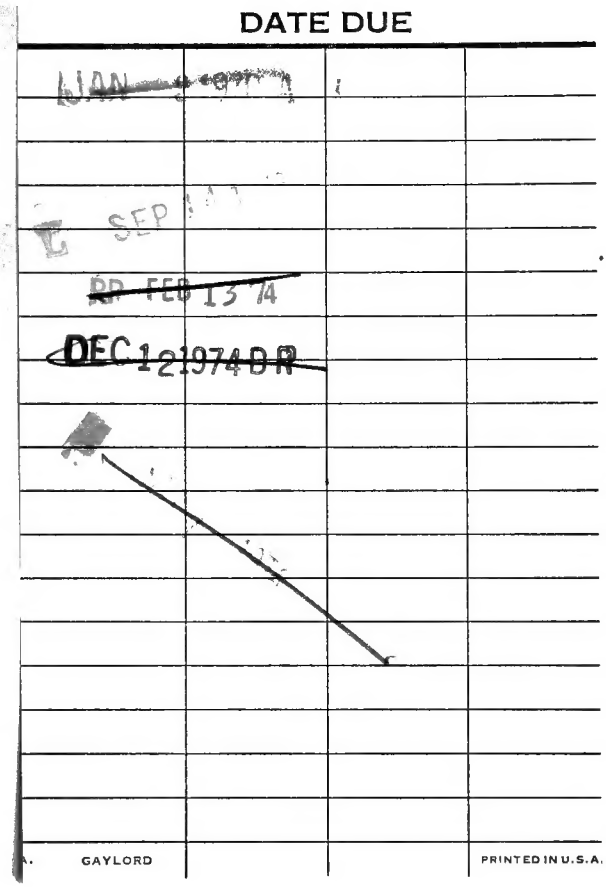


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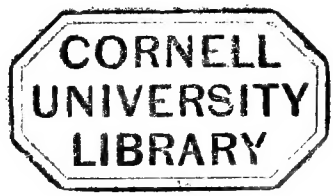
VOL. IV—1734 TO 1752

RALEIGH

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PREFATORY NOTES TO FOURTH VOLUME.

The fourth volume covers the period of Governor Johnston's administration, the longest known in the annals of North Carolina.

Governor Gabriel Johnston, the successor of Burrington, was a Scotchman by birth, and received his education in the University of St. Andrews. He also spent a few years in studying medicine, after which, still in early manhood, he was made professor of the oriental languages in St. Andrews. Later still, he removed to London, where he employed himself as a political writer with such effect that he was appointed Governor of North Carolina, Spence Compton, Baron of Wilmington, being his chief patron.

His administration began on the 2d November, 1734, when he took the oaths of office at Brunswick, and continued till his death, which occurred on 17th July, 1752.

Unlike his immediate predecessors, Governor Johnston was neither a profane man nor a drunkard, and he has come down to us with the enviable reputation of having done more to promote the prosperity of the colony than perhaps all the other colonial governors put together.

One of our historians goes so far as to say that he deserved the gratitude of every citizen of North Carolina as a statesman, a scholar and a patriot. Another lauds him as a general benefactor of the province and its special patron of learning, declaring that he was so earnest in his efforts to advance the cause of education that he urged its importance upon every Legislature during his stay here. A still later writer says he was the ablest of all the colonial governors, not less distinguished for his energy and prudence than for his extensive classical and scientific attainments. Chalmers, who lived nearer to his time than any other historian, says "he was a man of sufficient knowledge and prudence, but whose experience degenerated a little into cunning."

It may well be doubted, however, in view of the facts now presented, whether his enviable reputation has a sure foundation. The fact that his brother was the founder of a distinguished and influential family, and that a noted fort and a prominent county in the State have borne his name, and the further fact that the province grew and thrived greatly during his administration, have doubtless had much to do with creating and perpetuating a favorable public opinion in regard to him. But the fact that a county was named after him proves nothing, unless it be that our ancestors were wise in their day and generation, for every royal Governor, save Burrington, was thus honored, just as in the days of the Proprietary Government, the Lords Proprietors were the recipients of such honors. At the breaking out of the Revolution there were four counties in North Carolina named after Royal Governors, viz: Johnston, Dobbs, Tryon and Martin. Wake county, too, may almost be put in the same list, for it was named after Esther Wake, a sister of Governor Tryon's wife. In the course of time, after the Revolutionary fever had reached its height, Dobbs and Tryon counties disappeared, Glasgow and Lenoir in the east and Lincoln and Rutherford in the west taking their places. Wake county came very near sharing the same fate, but when the proposition was made in the Legislature to change its name, it was replied that the county was named after a woman who was as charming in manner as lovely in person, and with one consent, our gallant ancestors declared the name should remain, and it is to be hoped it will ever remain as a memorial, not only of the beauty and attractions of Esther Wake, but of the gallantry of our forefathers.

Neither does the fact that the province advanced rapidly and steadily during his administration prove anything, if it be remembered that the province had already entered upon and was well on the way in a career of prosperity before he landed upon our shores. And in the matter of his efforts to advance the cause of education, the truth seems to be that in all the years he was Governor of the province, Governor Johnston called the attention of the Legislature to the subject only one time—an effort that, made shortly after his arrival, seems to have exhausted his interest in the subject.

Indeed, so far as now appears, if he had any influence whatever upon the province it was to retard its growth. His intentions doubtless were good, and his motives pure enough, but he was exceedingly arbitrary, not to say unscrupulous, in his methods. In one case, according to his own admission, he sought to procure the passage of a bill he favored by calling the Legislature together at a time and place that would prevent its opponents from being present, and, he significantly adds, "some of the most troublesome leading men were prevailed upon to be absent;" but it was all in vain. At another time, using similar means in behalf of another measure, he was more successful, but the "management," as he called it, was so glaring that the Crown refused to accept the fruits of it, though much desired and much to its advantage.

At still another time, when he wished to move the seat of government from Brunswick to Newton, the place he afterwards named Wilmington, in honor of his patron, the Earl of Wilmington, his course was equally arbitrary, to call it by no harsher name. There were eight members of the Upper House, four of whom voted against the bill for the removal, and four, including the presiding officer, voted for it. The presiding officer, Chief Justice Smith, claimed the right to give a casting vote, and having done so, that is to say, having voted twice in favor of the bill, declared it had passed, and sent it to the Governor. The Governor, thereupon, formally gave his assent to the bill, and announced that he would regard all bills passed in that way as being legally enacted.

At still another time, when he wished to save Chief Justice Smith from impeachment and trial for malfeasance in office, he induced members of the Legislature to absent themselves, and then a quorum not being present he dissolved the Legislature for want of a quorum and sent the members home.

In spite of all his "management," however, he seems to have been but little if any more successful in controlling the Legislatures of his day than were his predecessors, and was in favor neither with the people in the province nor the government at home in England. One of his first acts as Governor was to initiate a bitter quarrel with the leading men of the Cape Fear on the subject of the Blank Patents, as they were called, in which he alleged that the grossest fraud had been perpetrated. Later,

his quarrel was with the Albemarle counties, in which he sought to deprive them of the greater part of their representation in the Legislature. He quarrelled also with McCulloh, the Receiver General. In turn, Corbin, the agent of Lord Granville, Child, the Attorney General, and others, backed by Dobbs, afterward Governor, and others, preferred charges of various sorts against him before the government authorities in England. The Board of Trade, too, constantly complained that he was negligent and remiss in his duty as Governor, especially in the matter of correspondence.

Governor Johnston was doubtless well enough versed in the learning of the books, and doubtless, too, he was not unacquainted with the learning so easily to be acquired in London under Walpole's administration, as to the "management" of legislative bodies. It not unfrequently happens, however, that a mere scholar is unfitted to grapple with the practical details of daily life. Especially is a mere theorist unfitted to solve the problems that constantly present themselves in frontier life. Had Johnston been a practical man, he would have seen the importance of answering the queries annually propounded to him by the Board of Trade as to the material condition of the province, its resources and development, and we would not have been left so much to conjecture in that regard. Had he been a man of practical business capacity, he would certainly have collected money enough to pay his own salary and the salary of the other officers of the Government. As it was, when he died his salary was thirteen years in arrears—years during which the province had grown greatly in wealth and population. His salary was £1,000 per annum, and he might have paid himself out of the Quit Rents under his Instructions if he had collected them. Had he been a practical man, he would have counted the cost, to say nothing of the chances of success, before entering upon a quarrel like that with the northern counties, the outcome of which he ought to have known would be confusion and anarchy, if not open insurrection, that he was helpless to suppress. But counting the cost and weighing chances of success, he seemed to think not worth considering. Sharp practice, intrigue, "management," as he termed it, and the manifold devices of a cunning nature, were much more to his taste. But they availed not

with a people who "could neither be outwitted nor cajoled, and who always behaved insolently to their Governors."

But what better could have been expected from a man who, going from the atmosphere of a Scotch University to that of a London political writer at a time when political writings were characterized by "equal animosity and argument," was suddenly transplanted to the wilds of America and made Governor not because of his fitness for the place, but as a reward for his vigor or his zeal in the defence of his patron?

In a word, our present knowledge of the condition of the province during his administration does by no means justify the impression that he exerted any influence for good on its destinies. Nor does it increase our respect for him as a man, after bringing about a deplorable state of affairs, to find him complaining to the authorities in England, that without help from there he could not much longer maintain even the semblance of a government, a complaint that he had occasion to make more than once during his administration. Nor does it improve one's regard for his memory to find him abusing, as "wild and barbarous," the people he could not mould to his will.

It is difficult to believe, too, that a man could have exercised a controlling influence in a province without leaving some record showing the fact. Governor Johnston left no such record. In none of the many papers he wrote during the eighteen years he was Governor is there anything by which we may form an estimate of the population of the province or its material growth. Happily, Burrington and Dobbs left us information by which its condition at the beginning and at the end of Johnston's administration may be known.

Of his quarrel about the Blank Patents, that with the northern counties, that with McCulloh, and those about the currency, the King's Quit Rents, about the Chief Justice, about the removal from Brunswick to Wilmington, the records are full enough, but nowhere do we find a word from him to show the condition of the agricultural, commercial or manufacturing interest of the province, and but once any reference to the great tide of population that was so rapidly filling up the western section of the province. In this regard he was inferior to Burrington, and greatly inferior to both Dobbs and Tryon. It may be that, in the later years of his life,

his mind grew weak, as it was said, but that was no excuse for his inefficiency in the early years of his administration.

But, perhaps after all, Governor Johnston's great fault was not that of the individual, but the fault of the age in which he lived, an age that regarded a province simply as a mine, to be worked solely for the profit of its owner, the King. Accordingly, never during his whole administration did he seem to think the colonist subjects had any rights that he, as the King's representative, was bound to respect, and so, when he found upon his arrival in the country that of all of the proprietary statutes only six had been confirmed by the Lords Proprietors, as had been required by a practically dead provision of the law, he proceeded to declare all of the unconfirmed laws to be null and void wherever, in his opinion, trenching upon the King's prerogative. To promote the interest of the King and to magnify his prerogative, seemed to have been the mainspring to every action during his administration. Many masters doubtless have had more discreet servants, but none one more zealous than was Johnston.

In 1735, was run the first or eastern part of the boundary line between North and South Carolina. It began at the mouth of Little River, on the seashore, thirty miles below the mouth of Cape Fear River, and was extended in a northwest direction 64½ miles, to a point two miles northwest of one of the branches of Little Pedee. In 1737, the line was extended in the same direction 22 miles, to a stake in a meadow, erroneously supposed to be at the point of intersection with the 35th parallel of north latitude. The Commissioners on the part of North Carolina were Robert Halton, Eleazer Allen, Mathew Rowan, Edward Moseley and Roger Moore.

In 1738, the act was passed appointing sheriffs in the place of the marshal and his deputies in the province, directing the mode of choosing them and prescribing their duties, and providing that the precincts should be called counties.

In September, 1739, "Dugald McNeal, Col. McAlister and several other Scotch gentlemen," arrived with three hundred and fifty Scotch people, doubtless in the Cape Fear country, and, in 1740, at the ensuing

session of the Legislature, made application for substantial encouragement, that they might be able to induce the rest of their friends and acquaintances to come over. Upon reading the petition, the Upper House came to the following resolutions, viz.:

Resolved that the Persons mentioned in the said Petition, shall be free from payment of any Publick or County tax for ten years next ensueing their Arrival.

Resolved that towards their subsistance the sum of one thousand pounds be paid out of the Publick money, by his Excellency's warrant to be lodged with Duncan Campbell, Dugald M°Neal, Daniel M°Neal, Coll. M°Alister and Neal M°Neal Esq^rs^ to be by them distributed among the several families in the said Petition mentioned.

Resolved that as an encouragement for Protestants to remove from Europe into this Province, to settle themselves in bodys or Townships, That all such as shall so remove into this Province, Provided they exceed forty persons in one body or Company, they shall be exempted from payment of any Publick or County tax for the space of Ten years, next ensueing their Arrival.

Resolved that an address be presented to his Excellency the Governor to desire him to use his Interest, in such manner, as he shall think most proper to obtain an Instruction for giveing encouragement to Protestants from foreign parts, to settle in Townships within this Province, to be set apart for that purpose after the manner, & with such priviledges and advantages, as is practised in South Carolina.

The Lower House concurred with the several resolves of the Upper House save that relating to the thousand pounds, which was held over till the next Assembly for consideration. This was on the 29th February, 1740. Further consideration was shown to the new comers on the next day by the appointment by the Governor and Council of Duncan Campbell, Dugald McNeil, Dan. McNeil, Col. McAlister and Neil McNeil as magistrates for the county of Bladen, being the first Scotch names that appear in the record of magistrates for Bladen county.

Among other charges brought against the Governor was an inordinate fondness for his brother Scotchmen, even Scotch rebels. His partiality

for this latter class of Scotchmen, it was said, was so great, and his lack of joy at the King's "glorious victory at Culloden" was so conspicuous, that he was accused of a want of fealty to the House of Hanover. It was charged, too, that he had dispossessed the poor Palatines of their lands on the Neuse to make room for Scotch rebels. His denial of these charges was very emphatic, and doubtless quite true. But for all this, it is also true, probably, that, like other Scotchmen, he was fond of the people of his native country, and sought to better their condition by inducing them to emigrate to North Carolina; and in this he showed a commendable regard both for his brethren and for the province.

In 1740, England having declared war against Spain, over four hundred men were raised in the Colony, and distributed into four companies for service in the expedition against St. Augustine. Two hundred more could have been easily raised if it had been possible to negotiate bills of exchange so as to get ready money. The troops embarked, some at Cape Fear and some at Edenton. Three of the companies were raised in the northern counties. The Legislature appropriated £1,200 sterling to aid in the expedition. Early in the following year these troops were transported from Florida to Jamaica, and there embarking on board the British fleet, under command of Admiral Vernon, sailed to the harbor of Carthagena, in South America, where they took part in the attack on Fort St. Lazarus.

In 1744, Lord Granville's one-eighth part of Carolina, under the original grants from King Charles, was set off to him by grant from King George, entirely in North Carolina, all that territory lying between the Virginia line on the north and the parallel of 35° 34′ on the south, being thus set off to him. The line ran near or through the old town of Bath, the present towns of Snow Hill and Princeton, along the southern borders of the counties of Chatham, Randolph, Davidson and Rowan, a little below the southern border of Catawba county but not as low down as Lincolnton, and so on west to the Mississippi. In the winter of 1743–'44 the line was run from the coast to the town of Bath, and in the spring of 1746 from Bath to Peter Parker's house, on the west side of Cape Fear River, now the southeast corner of Chatham county. The reason given by the Commissioners for not continuing the line at that

time (10th April, 1746), was, among others, that it was not then practicable, they said, the country "being very thinly peopled, nor can we be supplied either with corn for the horses or provisions for ourselves and those employed by us there being no inhabitants that can assist us to the west of Saxapahaw River."

In 1747, several small sloops and barcalonjos crept along the coast from St. Augustine, full of armed men, mostly mulattoes and negroes, their small draught securing them from the attacks of the only ship of war then on our coast. They landed at Ocacock, Core Sound, Bear Inlet and Cape Fear, where they killed several people, burned some ships and small vessels, carried off some negroes and slaughtered a great number of cattle and hogs. These practices were continued all the summer of 1747, and led to the erection of several forts along the coast, one of which, Fort Johnston, still survives.

In 1748, on the 29th September, Samuel Davis, Charles Robinson and Thomas Smith, in behalf of themselves and sundry other inhabitants of the Pedee, exhibited to the Governor and Council a petition setting forth in substance that the inhabitants on the river were some eight hundred to twelve hundred in number, and that the court house of Bladen was about 100 miles from the nearest inhabitant, and the roads at times very bad if not impracticable, and praying that a new county be erected to be called Anson county. The petition was granted and the new county erected, the boundary between it and Bladen being the Little Pedee river, to the head of the main branch of it, and thence a line equi-distant between Haw River and Great Pedee River.

In 1749, on the 11th July, died Colonel Edward Moseley. As has been well said of him*: "Of all the men who watched and guarded the tottering footsteps of our infant State, there was not one who, in intellectual ability, in solid and polite learning, in scholarly cultivation and refinement, in courage and endurance, in high Christian morality, in generous consideration for the welfare of others, in all the true merit, in fine, which makes a man among men, could equal Edward Moseley."

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*A Study in Colonial History. Hon. George Davis.

And yet it is to no one of these qualities, nor to all of them, that the great debt of gratitude North Carolina will ever owe to him is due, but to his undying love of free government, and his indomitable maintenance of the rights of the people. Doubtless no man ever more fully realized than he, that eternal vigilance is the price of liberty, nor was there ever upon any watchtower a more faithful sentinel than he. And to him, above all others, should North Carolina erect her first statue, for to him, above all others, is she indebted for stimulating that love of liberty regulated by law, and that hatred of arbitrary government that has ever characterized her people.

In him, arbitrary and oppressive government ever found a bold, prompt and effective opponent. Not a mere brawling demagogue, by any means, but a true patriot, who knew the rights of the people, who knew how to assert them and feared not to do it. Happily for our State, he came to the front in the formative period of her existence, and, so far as her records show, did more than any man ever within her borders to give shape and direction to the character of her people. It was under his lead that the Assembly, in 1716, in a formal resolve, told the Governor and his Council, "that the impressing of the inhabitants or their property under pretence of its being for the public service, without authority from the Assembly, was unwarrantable, and a great infringement of the liberty of the subject." The man who, at that early day, could formulate that resolve, and the people whose Assembly could fling it in the face of the government, were worthy of each other.

His first appearance upon the records that have come down to us is as a member of the Council in the year 1705, at the meeting at which the county of Bath was divided into three precincts. He was then a householder, and the Council met at his house. How long he had been a member of the Council does not appear, this being the first record of that body that has come down to us. From that time to the day of his death he was continuously in the public service, in some high office or employment.

In 1708, he was elected to the Assembly of that year, chosen to decide between the claims of Cary and Glover to the Governorship, and was made Speaker of that body. From that time until 1734, when he became a member of the Council by royal appointment, and as such a

member of the Upper House of the Legislature, he was almost constantly a member of the Assembly or Lower House, and when a member invariably its Speaker.

He was also Surveyor General of the Colony, and for near twenty years one of the Commissioners in behalf of North Carolina in her famous controversy with Virginia about their boundary line. He was also one of the commissioners that ran the line between North and South Carolina, Chief Baron of the Exchequer, and Associate Justice of the General Court of the Province. He was also for many years Public Treasurer. Meanwhile, he was also the foremost lawyer in the Province, and an active member of the vestry in his Parish and ever a friend of learning. The list of books he gave to found a Provincial Library in Edenton is still extant. He was also one of the Commissioners that ran the line between Lord Granville's possessions and the King's domain in the province. His last public service was as a member of the commission to revise the laws of the Province.

Surely, it is no mean tribute to his character that while he was so beloved by the people, that he received through life every possible mark of their regard and confidence, he was so respected by the Government, also, that upon all important occasions, when honesty, ability, and courage, were required, and the interests of the Province were to be subserved, it too, called his services into requisition.

The name of Moseley will never be without honor in North Carolina so long as time and gratitude shall live.

In October, 1749, the line between Virginia and North Carolina was extended from Peter's Creek, where it stopped in 1728, to Steep Rock Creek, a distance of 90 miles. William Churton and Daniel Weldon were the commissioners on the part of North Carolina, and Joshua Fry and Peter Jefferson on the part of Virginia. Governor Johnston says "they crossed a large branch of the Mississippi [New River] which runs between the ledges of the mountains, and nobody ever dreamt of before." It so happens, however, that no record of this survey has been preserved, and we are to-day without evidence, save from tradition, to ascertain the location of our boundary for ninety miles.

In 1750, by a statute of the British Parliament, the old method of computing time was abolished in all the King's dominions and the new style introduced, under which the years began on the 1st of January instead of the 25th of March. In 1752, the day after the 2d of September was counted the 14th of September, eleven days being omitted.

In 1752, appeared the first printed revisal of the Laws of the Province ever published. The revisal was the work principally of Samuel Swann, Edward Moseley, his colleague on the commission, having died before the completion of the work. The printing was done at New Bern by James Davis, who, in 1749, had carried there the first printing press ever in the province. This revisal was known in common talk in the province as "The Yellow Jacket," from the color of its covers.

Governor Johnston began the Quit Rent quarrel in less than ninety days after his arrival, by seeking to limit the number of places for the collection of quit rents. The importance of the question at issue will be appreciated when it is remembered that the people of the province did not own their lands in fee simple, as is now the case, but were mere tenants of the Crown, holding the lands upon payment of an annual rent per acre. The people contended that unless they agreed upon a different place, the rents were collectable only upon the land upon which they accrued, and were payable in certain products, or "commoditys," as they were called, at fixed prices. Governor Johnston held that, as the representative of the King, he had a right to fix not only the place of payment, but how it should be made, and the bill then pending was amended in the Upper House so as to reduce the number of places to four. The House of Burgesses refusing to agree to this view of the case, the bill fell through, and thereupon Governor Johnston issued a proclamation directing where the rents should be collected and the prices at which commodities should be received.

Against this proclamation the House of Burgesses on the 26th February, 1735, made the following respectful protest:

"We are very much concerned to see your Excellency's Proclamation commanding us to pay in Sterling Money or in bills at the difference that your Excellency and Council shall be pleased to assess which we

humbly conceive is contrary to our Laws Customs and even to the conditions of the grand Deed and must inevitably terminate in the ruine of many of the Inhabitants of this Province both with respect to the manner of Collecting the rents and the distresses that may ensue thereupon.

"Wherefore we humbly pray your Excellency would be pleased to Issue out a proclamation directing the Officers who are appointed to Collect the quit rents to proceed in the said Collections according to the Laws and Customs of this Province and that no distress may be made upon his Majesties poor tenants contrary to the same untill a Law shall be passed directing some other method for collecting the said rents more agreeable to his Majesties Instructions and as much as may be for the ease of his Majesties Tenants which we were in hopes would have been done by the Bill We offered this Session and that your Excellency would be pleased to give a further time for the payment of arrears which does not become due by any default of the Tenants refusing to pay those rents but in the officers neglecting to collect the same."

The protest had no effect, however, and the Governor's officers proceeded to demand the rents as directed in the proclamation, and to distrain for them when not paid. Thereupon ensued what the Governor called "great confusion and disorder." On the 7th October, 1736, the Legislature having again met, the House of Burgesses presented the following address to the Governor, viz.:

"We the Members of the Lower House of Assembly humbly beg leave to lay before your Excellency the several grievances represented to us by the Committee appointed for that purpose which are in the words following (viz^{t})

"On reading the Petition of Perquimons, Bertie and other Precincts and also several other informations complaining of the illegal Proceedings and methods of collecting & receiving the Quit rents, it appears to this Committee, that the Collectors or receivers, have compelled the Inhabitants of this Province, who hold their Land by Grants from the late Lords Proprietors, to carry their Quit rents to certain places appointed, tho' such rents were only demandable and payable on the Lands for which they were due, and had by custom time out of mind been received by the Collectors at the People's respective dwelling Houses; and that they

then and there exacted and received, seven for one, contrary to the Laws of this Province, and by distress levyed on such as did not bring their rents to the Places so appointed eight for one, with extravagant Charges; It is therefore resolved, and it is the opinion of this Committee, that such Proceedings are illegal and oppressive."

The Governor paying no attention to this respectful address, and his officers continuing to distrain for the rents, the Assembly ordered the officers into custody.

Thereupon, as the record states, "His Excellency being now come to the Upper House, and having sent a message to command the immediate attendance of the House of Burgesses, they not paying obedience thereto, His Excellency was pleased to send another message to them; but they still neglecting to give their attendance, His Excellency then by and with the advice and consent of His Majesty's Council, prorogued the General Assembly to the first day of March next, then to meet at Newbern."

But putting an end to the Legislature did not reconcile the people to the collection of the quit rents at unlawful places. Some months thereafter, in 1737, at the General Court at Edenton, a man was imprisoned for insulting the marshal in the execution of his office during the sitting of the Court, and the people of Bertie and Edgecombe precincts, hearing that he was imprisoned about his quit rents, rose in arms to the number of 500, and marched within five miles of the town, intending to rescue him by force, in the meantime cursing the King and uttering a great many rebellious speeches. By this time the man had made his peace with the Court, and the crowd learning the truth, dispersed without doing any mischief, threatening, however, "the most cruel usage to such persons as durst come to demand any quit rents of them for the future," and the Governor goes on to say further, "how to quell them I cannot tell if they should attempt an insurrection against next collection. * * The people seem here to be persuaded that they may do what they please, and that they are below the notice of the King and his ministers, which makes them highly insolent. They never were of any service to the Lords Proprietors, and if something is not speedily done to convince them that his Majesty will not be so used, I am afraid they will be of as little profit to the Crown."

This state of things continued until 1739, when the Governor, having become convinced that the collection of the quit rents was impossible except in a way satisfactory to the people, a bill was permitted to pass the Legislature to which all parties agreed.

From the Governor's representation regarding this bill, it would seem that it was also passed in part, at least, by "management," that is to say, in consideration of an abatement of his demands in the matter of Blank Patents set forth in the bill. He seems, too, to have thought he had overreached the Assembly in the prices at which the commodities agreed upon were rated; at least, he represented to the Board of Trade that the rates were fixed so much below their real value that none of them would be offered in payment. A great concession was that the bill contained a provision, whereby the power of fixing the value of paper money was given to a committee consisting of the Governor and Council and the Attorney General and Receiver General on the one side, and an equal number of the House of Burgesses on the other. Another great concession was as to the number of places at which payment might be made, which he said "it could have been wished were fewer in number, but there was no possibility of avoiding it." The next year, 1740, the Crown disallowed the Act, on the ground that the vesting the power to regulate the price of money "in any person whatsoever, might be of dangerous consequence, and highly prejudicial to the trade of the nation."

In 1741, an attempt was made to pass a new Quit Rent Law, but although, as the Governor said, "the Assembly was called in the most southern part of the Province on purpose to keep at home the Northern Members who were most numerous and from whom the greatest opposition was expected and some of the most troublesome leading men were prevailed upon to be absent," he was obliged to prorogue the Legislature without accomplishing anything.

At the next session of the Legislature, 1744, the Committee on Propositions and Grievances reported, on 29th November, the following resolution, in which the House concurred, viz.:

"Resolved by this Committee that no produce of this province being accepted in payment of quit rents of late years nor the current bills at less than 10 for 1 which is equal to sterling money as this from the

great scarcity of silver and gold puts it entirely out of the power of the greatest part of the inhabitants of this province to pay their quit rents being contrary to the Grand Deed and also a law of this province is a Very great grievance."

On the 4th December the Governor prorogued the Legislature. In April of next year, 1745, the Legislature met again, but neither side was in better temper than when they parted. In his opening address, the Governor reviled the Assembly for having passed no bills at the last session, and informed them that he had "orders from His Majestie and Lord Carteret to insist on their passing a quit rent law." The Assembly replied that they had "frequently in former Assemblys had under their consideration matters of consequence recommended by his Excellency but had been unhappily prevented from doing anything therein with effect by unexpected dissolutions and prorogations," and no quit rent law was passed.

In 1746, in June, the Assembly again declared the refusal to receive "commoditys" in payment of quit rents to be a very great grievance. After this session, the northern counties were not represented in the Legislature during Johnston's administration, and in April, 1749, the Governor succeeded in passing a quit rent law, but in the condition the province was from that time to the end of his administration, it could not have accomplished much.

His quarrel with the Albemarle or northern counties and its consequences deserve a more extended notice, if for no other reason, to show into what gross and unpardonable errors historians can fall upon the most important points. When Governor Johnston came to North Carolina, the precincts of Albemarle county sent five members each to the Lower House of the Legislature, while the precincts of Bath, that is to say, the newer precincts, sent only two. Of course, this gave the older counties controlling influence in the Assembly. Doubtless this was not an equitable representation, and ought to have been changed if possible, but in a legal and fair way. The Governor, however, determined to bring about the change in his own peculiar way, that is to say, in a manner neither legal nor fair. So he called a session of the Legislature to meet on the

18th November, 1746, in Wilmington, in the expectation that the northern members would not be there. They were not there, and in their absence he proceeded without a quorum to pass a bill equalizing representation, so that no county, whether new or old, should send more than two representatives to the Assembly. This bill he approved and sent over to England in the ordinary way, as if it had been an Act of a full quorum of a duly constituted Legislature. He afterward ordered an election for new Legislature, to which each county was directed to send two representatives and no more. The result was that the northern counties refused to regard his writs of election, and when they voted, each voter put on his ballot the names of five men agreed upon, and the sheriffs so returned. The Legislature thereupon declared the election void. In consequence of this the northern counties were not represented in the Assembly for eight years, and not being represented there, the people refused to pay taxes, refused to attend the General Courts, in a word refused to obey or regard in any way the authority of what they considered a "rump" Legislature, and were for eight years in a state of defiance, if not insurrection. The southern counties, seeing that the northern counties refused to pay taxes, said it was not fair to make them bear the whole burden of government, and they, too, refused to pay taxes. This was the condition of the province for the last six years of Johnston's administration and for two years after his death, a state of things for which Governor Johnston was undeniably responsible.

In the meanwhile the northern counties sent agents to London to represent matters to the authorities there, and after a full investigation, the Crown disallowed the Act, on the ground that it had been improperly and unfairly obtained, and the order of repeal was brought over by Governor Dobbs. The unequal representation being restored, continued until the Provincial Assemblies of the Revolution came into existence, as appears from the records preserved here from that day to this. To these bodies each county sent five delegates, equality of representation doubtless being considered as a necessary preliminary step to united harmonious action, especially in view of the fact that the bulk of population was then in the west. In spite of the records, both here and in London, the historian Williamson, after reciting the main facts in the case,

goes on gravely to say: "The Act in question was arbitrary, but no redress was obtained, for the Crown was not used to favour a numerous representation." Martin, another so-called historian, follows Williamson, and leaves the impression that from 1746, the counties continued to send only two representatives each. Such an error, on so important a point, with such ample means of information at hand, is simply unpardonable. Our trouble has been that neither of our historians was native here, and neither after he came continued here for the remainder of his life, his residence in North Carolina being, so to speak, a mere episode in his life. The result was that neither Williamson nor Martin availed himself even of the scanty means of information in his reach.

When Governor Johnston undertook forcibly and fraudulently to deprive the northern counties of the greater part of their representation in the Legislature, he had been Governor of the province for twelve years, and he must have studied the people over whom he ruled those twelve years to but little purpose if he supposed they would submit to a deprivation of their rights, either by force or by fraud. He must have known, too, that if they did not choose to submit, he was utterly without power to compel them to do so; but in spite of everything, and seemingly regardless of consequences, he pursued a policy that resulted in an open defiance of the law, that he dared not even to attempt to punish. Such a state of things probably never existed in any other province for such a length of time—open, bold resistance and defiance of the constituted authorities for eight years, without an attempt even to enforce obedience.

The population of North Carolina at the beginning of Johnston's administration was near 50,000 in all, and at the close it was somewhere about 90,000, that is to say, just about double the number usually given. Of course this great addition was made up from immigration as well as from natural increase. This immigration came in part from adjacent Virginia counties, covering the northern border generally, west of the Chowan. These immigrants simply followed the tributaries of the Chowan and the Roanoke rivers in their search for "bottom land;" other immigrants came from the adjacent South Carolina coun-

ties, covering our southern border, generally west of the Lumber river. They also followed the streams. Notable among these were the settlers on the Pedee river, for whose convenience the Governor and Council erected the county of Anson. The great bulk of the immigration, however, came from the northward, principally from Pennsylvania.

On the 15th February, 1751, Governor Johnston wrote to the Board of Trade that inhabitants flocked in daily, mostly from Pennsylvania and other parts of America already overstocked with people, and some directly from Europe. Many thousand people, he said, had then come in, settling mainly in the west, so that they had nearly reached the mountains.

On the 28th June, 1753, President Rowan wrote, that in the year 1746 he was in the territory composing the counties of Anson, Orange and Rowan, and there were then not above one hundred fighting men in all that country; whereas, at the time he wrote, there were at least three thousand, mostly Irish Protestants and Germans, and their numbers were daily increasing. At these figures this new population must have numbered near twenty thousand. In 1776, their settlements had extended beyond the present State limits.

The route that these immigrants from Pennsylvania took to reach their future homes in North Carolina is plainly laid down on the maps of that day. On Jeffreys' map, a copy of which is in the Congressional Library at Washington City, there is plainly laid down a road called "the Great Road from the Yadkin River thro' Virginia to Philadelphia, distant 435 miles." It ran from Philadelphia through Lancaster and York to Winchester, thence up the Shenandoah Valley, crossing the Fluvanna River at Looney's Ferry, thence to Staunton River and down the river through the Blue Ridge, thence southward, crossing Dan River below the mouth of Mayo River, thence still southward near the Moravian Settlement to the Yadkin River, just above the mouth of Linville Creek and about ten miles above the mouth of Reedy Creek.

Remembering the route General Lee took when he went into Pennsylvania on the memorable Gettysburg campaign, it will be seen that very many of the North Carolina boys, both of German and Scotch-Irish

descent, in following their great leader, visited the homes of their ancestors, and went thither by the very route by which they came away. To Lancaster and York counties, in Pennsylvania, North Carolina owes more of her population than to any other known part of the world, and surely there was never a better population than they and their descendants—never better citizens, and certainly never better soldiers. It was by men largely of Pennsylvania birth that the Mecklenburg Declaration was promulgated, and the record of their descendants shows them to be worthy sons of noble sires.

The following is a brief statement of the condition of the currency of the province during Governor Johnston's administration:

In 1735, by act of Assembly, bills for £40,000 to be exchanged for the bills issued in 1729. Not a legal tender at any rated exchange.

In the same year, bills for £10,000 for the more immediate discharge of the public debts, not issued at any rated exchange, but for the payment of them a poll tax was laid. The rate of exchange in 1739 was 1000 per cent., and there was outstanding about £50,000.

The above seem to have been redeemed by bills for £21,350 issued in 1747, of which £189.13.3 in April, 1749, and £513.12.0 were burned in April, 1750, leaving in circulation £20,646.14.0 proclamation money, equal to £15,485.1.0 sterling money. These bills maintained the value they were issued at as late as 29th September, 1750.

No question seems to have arisen during Johnston's administration as to the right of the House of Burgesses to control the purse strings—about the only trouble that he seems to have avoided. But that the people for eight years refused to recognize, in any way, the authority of the government under which they lived, because they were not represented in its Legislature, is evidence enough that even at that day they were fully inspired with the principles that underlaid the great American revolution, and foreshadowed plainly enough what their course would be in that great struggle.

COLONIAL RECORDS.

1734.

[From the MSS. Records of North Carolina Council Journals.]

COUNCIL JOURNALS.

North Carolina.

At Brunswick on Cape Fear River in New Hanover Precinct November the 2d 1734.

The Honble Robert Halton Eleazer Allen and Roger Moore Esqrs Members of His Majestys Council and several of the Principal Gentlemen Inhabitants of the said Province being assembled and met together in the Court House of Brunswick aforesaid His Excellency Gabriel Johnston Esqr declared that he had Received Letters Patents from his Majesty constituting and appointing him to be Captain General and Governour in Chief in and over his Majestys Province of North Carolina and Terretories thereunto belonging as also a Commission appointing him Vice Admiral of the same which his Excellency caused be read and Published openly in the said Court House.

The Clerk of His Majestys Council being now at a considerable distance from this Place His Excellency was pleased to appoint Mr William Maxwell Clerk of the Council pro tempore who was sworn in accordingly.

Then the Honble R Halton Elezr Allen and Roger Moore Esqrs were before his Excellency the Governor Sworn of His Majestys Council of this Province in pursuance of a Royal Instruction for that purpose and took and subscribed the several Oaths by Law appointed to be taken for their qualification.

Then his Excellency Gabriel Johnston Esqr. before the Honoble the Council aforesaid took and subscribed the several oaths by law appointed to be taken for his Qualification as Governour in Chief of this His Majestys Province and Terretorys thereunto belonging as also the Oath for strictly observing the Laws of Trade and Plantation within this Government.

At a Council held at the Court House in Brunswick aforesaid the Second day of November Anno Dom 1734.

Present His Excellency Gabriel Johnston Esq^{r} Gov^{r} &c

The Honble { Robert Palmer, Eleaz^{r} Allen, Roger Moore } Esq^{rs} Members of His Majestys Council

His Excellency the Governour was pleased to order a Proclamation to Issue Requiring and commanding all Officers Civil and Military within this His Majestys Province to continue to Execute their several and respective Offices untill farther Orders And that all such Officers of the Crown who have lately been either suspended prevented or removed from the execution of their said offices Do forthwith resume the same and Act therein notwithstanding any late orders to the contrary which the Honorable the Council approved of

Ordered That a Proclamation Issue accordingly. By order

W. MAXWELL, Cler. Con. pro. tem.

At a council held at the Court House in Brunswick

Present His Excellency Gabriel Johnston Esq^{r} Gov. &c

The Honble { Robert Halton, Eleaz^{r} Allen, Roger Moore } Esq^{rs} Members of His Majestys Council

His Excellency the Governor was pleased to lay before the Board that since His arrival he had been acquainted by several of the principal Merchants and Traders of this Place of the many and great inconveniences that have and do still arise to the Trade and Commerce of this Province by the great Multiplicity of Counterfeit Bills of Credit issued by Vagabond and Idle people passing from one part of the Government to another. To the End therefore that the said vagabond and idle persons may the sooner be detected in their Villany and brought to condign Punishment for the same His Excellency the Governour by and with the advice and consent of his Majestys Council doth order that a Proclamation forthwith issue requiring and commanding all Persons whatsoever to aid and assist in bringing to Justice all offenders of that kind and for granting a reward of fifty Pounds to any person who shall bring to Justice any one who shall be convicted of said offence and for promissing His Majestys most gracious Pardon to any of the Accomplices of such Criminals who shall discover one or more of them so as they be taken and convicted of the same according to Law Provided such discovery be made within Two Months from the Date hereof

Ordered That the Provost Marshall forthwith cause the said Proclamation to be published at the Court house door in every Precinct within this Province and a Copy thereof to be there affixed By Order

Wm MAXWELL Cler. Con. pro tem.

At a Council held at the Court House in Brunswick 29th day of Nov. Anno Dom. 1734

Present His Excellency Gabriel Johnston Esqr. Gov. &c.

The Honble { Eleazr Allen, Roger Moore } Esqrs Members of His Majestys Council

William Smith, Mathew Rowan and Edward Moseley Esqrs appointed by His Majestys Royal Instructions Members of Council for this Province appeared at the Board and took and subscribed the Several Oaths by Law appointed be taken for their Qualification as also the Oath of a Councillour and their place at the Board Accordingly

Present

The Honorable { Will Smith, Mathew Rowan, Edwd. Moseley } Esqrs Members of His Majestys Council

His Excellency the Governor was pleased to acquaint this Board that he had instruction for constituting and appointing Two Courts of Oyer and Terminer held yearly within this Province for preventing long imprisonments Vizt on the 2d Tuesday in the Months of December and June

His Excellency thereupon with the advice and consent of His Majestys Council doth order that a Commission of Oyer and Terminer and General Goal delivery for the Province do forthwith issue in pursuance of His Majestys Royal Instructions for holding the said Court constituting and appointing the Honoble William Smith Esqr Chief Justice Nath Rice, Cullen Pollock, Edmd Porter and William Downing Esqrs Judges of the said Court to be holden at Edenton on the 2d Tuesday in December next

His Excellency the Governor was pleased to represent to this Board the great necessity of calling together the General Assembly of this Province to enact such good and wholesome Laws for the benefit of his Majesty's Subjects as he hath been graciously pleased to recommend by His Royal Instructions to him for that purpose

Thereupon His Excellency the Governour by and with the advice and consent of His Majestys Council doth order that Writts forthwith issue requiring the Freeholders of the several Towns and Precincts within

this Province to meet at the usual places on the first day of January next to choose their representatives to meet at Edenton the 15th day of January aforesaid to sit in General Assembly

And whereas the said Writts cannot regularly issue without passing the great Seal of this Province which is now at a great distance from this place thereupon His Excellency the Governor for expediting the same was pleased to order and impower John Montgomery Esqr His Majestys Attorney General to take into his Custody and possession the great Seal of this Province and cause the same to be affixed to the Writts now Ordered to Issue

Then His Excellency was pleased to adjourn the Board till four of the Clock in the Afternoon.

The Board met according to adjournment

Present His Excellency Gab. Johnston Esqr Governour &c

The Honourable	Will Smith	Mathew Rowan	Esqrs Members of His Majestys Council
	Rt Halton	Roger Moore	
	Eleaz Allen	E. Moseley	

His Excellency the Govr by and with the advice and consent of His Majestys Council Doth order that a Commission pass the seal of this Province constituting and appointing Robert Halton Eleazr Allen Roger Moore, Maurice Moore, Edward Hern, David Evans, James Innes, Edward Smith, Saml Swann, John Davis, John Swann, Thomas Merrick and Job How Esqrs Justices of the Peace for the Precinct of New Hanover.

His Excellency the Governor by and with the advice and consent of his Majesty's Council doth order that a commission of the Peace and Deds pass the seal constituting and appointing Mathew Rowan, Wm Forbs Nath Moore John Dallison, Cornelius Harnett, Hugh Blaning, Edward Mitchell, Thomas Jones, Joseph Clark, Ephra. Vernon, John Grange and John Clayton Esqrs Justices of the Peace for the Precinct of Bladen By order

Wm MAXWELL Cler. Con. pro tem

At a Council held in New Hanover Precinct the 27th day of December Anno Dom. 1734

Present His Excellency Gab. Johnston Esqr. Gov. &c.

The Honorable	Eleazr Allen Mathew Rowan Roger Moore Edward Moseley	Esqrs Members of His Majestys Council

His Excellency the Governor was pleased to represent to this Board the great necessity there was for a true state to be made and laid before

the General Assembly at their next sitting of the money emitted on Loan by virtue of an Act of Assembly made and passed in Nov. 1729. This Board taking the same into consideration was pleased to advise the Governor to issue his Proclamation requiring and Commanding the several Precinct Treasurers appointed by the said Act to prepare their Several Accounts to be laid before the next General Assembly and that all persons who have Deficient in their payments to the Treasurers be required to be ready for such payment according to their respective times.

His Excellency the Governour thereupon with the advice and consent of his Majesty's Council doth Order that the following Proclamation be forthwith Published and a Copy thereof fixed to the Door of every Court House within this Province By Order

Wm MAXWELL Cle. Con p. Temp

[B. P. R. O. North Carolina. B. T. Vol. 9. A. 57.]

LETTER FROM GOV. JOHNSTON, DATED AT CAPE FAIR DECber 12. 1734.

My Lords, [of the Board of Trade]

Your orders to Mr Burrington of May last relating to the Naval Stores and the other Products of the Continent of America came to my hands But a few days ago. and thō I have some reason to be afraid that my answer may come too late to fall under your Lordships Consideration before you make your report to the House of Peers, yet I take this affair to be of so great consequence to his Majesties Colonies in America that I cannot forbear informing your Lordships of what I have observed since my arrival here.

There is more pitch and tarr made in the two Carolinas than in all the other Provinces on the Continent and rather more in this than in South Carolina but their two Commodities (tarr especially) bear so low a price in London (£1000 Barrels scarce clearing 20s sterlin) that I find the Planters are generally resolved to make no more. I beleive that it is principally owing to their own conduct that the tarr of this Country is of so small a value for in order to make a larger Quantity they make so large and violent fires in their kilns as forces all the coarce juices of the lightwood along with the tarr which gives it so hot a Quantity that masters of Ships have observed it frequently burns their ropes which

makes them very shy of meddling with it. Now if by a gentle fire they would attempt to make nothing but cool tarr though the Quantity would fall short by one third yet in Quality they all agree it would equal East Country Tarr if not exceed it, for their Materials for this Manufacture are excellent and in great plenty. But as the loss of one third of a kiln would fall very heavy upon them they cant pretend to set about this Method unless the Crown will be so good as to allow them the old Bounty of 10^{s} per Barrel. If your Lordships approve of this I humbly propose that the Planter in person be obliged to attend the kilns and see that it is cool drawn and to make Oath before the Governor that it is so with heavy penalties in case of fraudes &c:

The Publick has allowed so handsome a premium for hemp of the growth of the Colonies I was surprised to find that there was none raised in this Country thō there are large Tracts of fertile lands so proper for producing it I have prevailed with some of the principal men on this River to make an experiment of it against next Spring and hope in a few years large Quantities of that usefull product will be sent home from this Country.

The Inhabitants of the Southern parts of this Province particularly of the two branches of this large river which is the best navigation of any betwixt Chesapeak Bay and Cape Florida are a very sober and industrious set of people and have made an amazing progress in their improvement since their first settlement which was about eight years ago as a proof of this I find by the Collectors Books forty two ships went loaded from this River within these twelve months last past. There are now several of them planting of Mulberries for raising of Raw-silks and cultivating Vines for producing wine in which they seem very expert, some few are likewise making attempts for Oil from the Olive and from divers sorts of nutts and seeds which grow almost spontaneously here, for all which both climate and soil seem wonderfully adapted I heartily wish your Lordships could prevail on the Legislature to grant some encouragement for the three above named usefull Commodities, being perswaded they would be of great service to the trade of Great Britain as this part of North Carolina may justly be called a new country it is easy to direct the Industry of the Inhabitants into what Channels you think proper But if their first attempts to raise such products as England pays ready money for to forreigners are not favoured in the beginning I am afraid they may at length fall into such manufactures as may interfere with and be prejudicial to those at home.

As the ship by which I send this sails to-morrow I shall defer to send your Lordships an account of the state in which I found this Country upon my arrival here, till next opportunity I am

Your Lordships most obedient and most humble servant

GAB: JOHNSTON.

Cape Fear
Dec^{ber} 12. 1734.

1735.

[From North Carolina Letter Book of S. P. G.]

North West Parish N^{o} Carolina
April 12th 1735

My Lord [Bishop of London]

Upon my coming here I waited upon Gov^{r} Burrington & delivered a Letter directed to him from the Honble Society, he received me very kindly and promised to do me all the service lay in his power. From thence I went up into the Country & agreed with the Vestry of North West parish in Albemarle County for 10 months reserving 2 months for visiting the other parts of the Country they were to pay me £400 of their currency, (which at 10 for 1 is not at par with sterling) & I have not yet received 50 The parish I live in is of a vast extent being upwards of 100 miles in length & 50 in breadth I preached in 7 different places which obliges me to ride every month 260 miles I have baptized about a thousand infants and 30 adults. The first time I administered the blessed sacrament of the Supper I had only four communicants the last time 20

We have as yet no church or Chapel in this parish but since my coming the parishioners have raised by private subscriptions enough to build four. We are very happy in having no different sects or opinions in this part of the Country but I have great reason to complain of a Laodecean luke warmness immorality but lower down in the Country there are a great many Quakers and Anabaptists in my last journey I had a great many of them as my Auditors & I baptized 5 adults that formerly professed Quakerism & I believe were there a minister settled among them they would mostly come over to the Church & a better way of thinking.

There are 2 ministers in the more southern parts M^{r} Garsia from Virginia in pamphire [Pamlico?] & M^{r} Marsden in Cape fair.

I never could get any of the library that was left here by D^{r} Newnam.

I am my lord &c.

JOHN BOYD

[B. P. R. O. North Carolina. B. T. Vol. 9. A. 59.]

North Carolina May 25th 1735

My Lords, [of the Board of Trade]

The Journals of both Houses of Assembly are now preparing in order to have copies transmitted according to my Instructions I shall at the same time send a copy of our Laws with remarks upon them. But what demands the most immediate attention is the affair of his Majesties Quit rents and the proceedings thereupon in the last Assembly. I have always looked upon this as a matter of the greatest moment and as this Country pays no other acknowledgment to the Crown of Great Britain and would even defraud his Majesty of that if they were not very narrowly watched. I very early last Session gott a Bill brought into the Lower house for procuring his Majesty a Rent Roll and the more regular payment of his Quit Rents. Your Lordships have no doubt heard of what they call blank patents in this Country (of which I have sent a true state along with this) there are very near half a million of acres held by these patents in this Province which pay but 6^{d} or 1^{s} per 100 acres Rent instead of 4^{s} Proclamation money, the people concerned in these patents tryed all manner of Arts to gett a Clause in this Bill to confirm their Grants but as I thought it would vastly diminish his Majesties Revenue and hurt a number of private persons in their property and as I had reason to beleive that besides the great quantities of land which are held by them already they might have numbers of them lying dormant by them to produce upon occasion I would never consent to it for which reason they loaded the bill with so many Clauses prejudicial to his Majesties Revenue that the Council thought fit to reject it. I shall send by next conveyance a Copy of the Bill as brought into the House and another Copy of it as clogged by their Artifices.

I immediately after this in order to convince the people that his Majesties just revenues did not depend upon any Acts of their Assembly as some of them had the assurance to give out I issued a Proclamation ordering all his Majesties Tennants to pay the arrears of their Quit rents (for none has been paid since his Majesties purchase) to the Receiver General and being informed that this occasioned a General murmur I took care to put the Militia in such hands as to prevent the Kings officers from being insulted in collecting of his Rents.

I have now the pleasure to inform your Lordships that there now appears a General Submission to these orders and I am confident I shall be able to give a good account of the arrears and make them glad to offer

of themselves such an Act as will do justice to his Majesty against next Sessions. As the Proprietors of these Blank patents have troubled your Board with a representation in their Favour I must in Duty to his Majesty declare unto your Lordships that after a very nice and important enquiry I can see no reason to confirm one of them and that in Justice every patent issued since the land office was shut up, was a cheat from the beginning and ought to be declared null and void, and as they have promised to submit to your Lordships opinion without repining I must acquaint you that if your Lordships make any the least concession or destraction there will be no end of their Quibbling and this matter wont be determined for years to come whereas if you think proper to condemn all patents issued on any pretence whatever since the land office was shutt up by the Lords Proprietors and oblige them to take out new patents from the Crown, it is no hardship to them it will much encrease the only Revenue the Crown has here and it will finish the affair at once. I must once more putt your Lordships in mind that these patents take place in the County of Bath only, which however contains three parts of four of the whole province.

I have according to my Instructions erected a Court of Exchequer in this Province and the Attorney General has begun to vacate some of the most grossly fraudalent of these patents but I shall take care that nothing shall be finally determined in that Court until I have the honour of your Lordships directions.

Commissioners from this Province and South Carolina have mett and adjusted the Boundaries betwixt the two Provinces which has hitherto very much perplexed both Governments, they have actually begun to run the line and are to proceed next Autumn I shall send all the papers relating to this affair by next oppertunity and hope as it is now finished your Lordships wont hearken to any sollicitations from our neighbours who I hear design since M^{r} Johnson's death to procure a new Instruction more in their favour than the last, in order to have a pretence for receding from an agreement made by their own Commissioners fully empowered by themselves.

There are at present three vacant places in his Majesties Council one occasioned by the death of John Baptista Ash Esq^{re} as for James Stallard and Richard Eyens whose names I find in my Instructions I cant find that there ever was such persons in this Province. I recommend unto your Lordships any three of the following Gentlemen to supply their places William Forbes James Innis Esq^{rs} Thomas Wardroper Surveyor General of lands Samuel Woodward Samuel Johnston Esq^{rs}

Before I conclude I beg leave to represent to your Lordships that it would contribute very much to his Majesties service if I could receive your commands about these patents before November next when our next Assembly meets for there wants little else to terminate all disputes about land I am with great respect &c

GAB: JOHNSTON.

[From North Carolina Letter Book of S. P. G.]

My Lord: [Bishop of London]

In a short time after I was determined to settle at Cape Fear I purposed to write to your L^d^shp, for I always thot it Incumbent on me to give you an acc^t^ how I Employ'd myself, and I was under very great Inquietude y^t^ I had at all neglected ye performance of my duty in y^t^ particular; but I had this satisfaction that it was not from forgetfulness or disregard, for I always affected a reputation of having ye utmost dependence and Esteem for you, bnt I was sensible you had rec^d^ some Impressions to my disadvantage, and I must confess it was this made me ashamed to appear before y^r^ L^d^shp, but I could not any longer satisfy myself in deferring to acquit myself of this obligation. I rec^d^ Sundry strong Evidences of y^r^ good will towards me whilst I was in England when y^r^ L^d^ship. was Bishop of Lincoln, and I Embraced the first opportunity from Jamaica after I was Informed of y^r^ translation to the See of London, to Congratulate y^r^ L^d^ship on his late Majesty's favour to you, and y^r^ L^d^shp. was pleased to condescend to Hon^r^ me with a most kind and obliging answer. It has been an Inexpressible grief to me y^t^ I have since fallen into any misdemeanor whereby I have incurred y^r^ L^d^shp's displeasure. In my abovementioned Letter from this place, I humbly implored y^r^ L^d^shp's pardon, and sincerely assured y^r^ L^d^shp. y^t^ I should never forgive myself for any miscarriage I had been guilty of, and cast myself upon y^r^ compassion [illegible] so agreeable to y^r^ nature I flattered myself I should not be an unfortunate Instance of your denying it when Implored. If y^r^ L^d^shp. had been pleased at that time to have Intimated to me your favourable Inclinations towards me in an answer to my Letter, it would have been a singular support to me under the great labour and pains I take in this new settlement in the faithful discharge of the offices of my function, and I should have received it as a great and sensible favour, and should on all occasions Expressed my utmost Gratitude; But I rec'd a Lett^r^ from his Excel^ly^ Gab: Johnston, Esq^r^ our Govern^r^ from Edenton at the time of the sitting of the assem-

bly there, w^{ch} struck me in an Extraordinary manner, for he was pleased to acquaint me in it y^{t} he had lately rec'd a Letter from y^{r} Lordshp. wherein there was a Postscript relating to me, whereby y^{r} L^{d}shp. seems to be misinformed of my behaviour and conduct, but that he Intending to lay y^{r} L^{d}shp's Letter before the Assembly he had ord^{ed} his Secretary to make out a Coppy of it, w^{ch} he would Sign to attest the truth, rather than send in the original with y^{r} Postcript to my disparagement; and was pleased also to assure me y^{t} he would set y^{r} L^{d}shp. right in his answer, and in ye most effectual manner do me justice to y^{r} L^{d}shp. The Gentlm^{n} of the vestry of St. James Parish in Cape Fear sometime since recommended me in a Lett^{r} to y^{r} Hon^{ble} Society for Propagation of ye Gospel, making application to them in my favor for an additional Stipend, as with that of the Parish might be sufficient to support me; but I was advised to defer sending it till after his Excell$^{y's}$ arrival, who was then daily expected, there being good reason to believe y^{t} when his Excell^{y} was truly Informed of my Behaviour State and Circumstances would also readily condescend to recommend me; and I have presumed in this to send a Coppy of y^{t} Letter for y^{r} perusal, but his Excell. assuring me of his best offices in my favour to y^{r} L^{d}shp. and y^{t} I might depend I had no occasion of y^{e} Vestry's recommendation or any other application. therefore I did not send the original at this time.

There is a time my Lord when a man may be the subject of his own discourse and give a few Relations of things he has worthily done as well as other truths, when used by way of Apology to remove a Calumny or accusation. I have been at Cape Fear near seven years and I can truly say y^{t} Earnestly imploring the divine assistance I have from my heart and soul done my utmost to promote ye glory of God; and the General bent of my Resolutions and ye constant course and tenor of my conversation has been strictly conformable to ye Gospel; for I have always been under apprehension and fear lest anything in or from myself should hinder the success of ye Gospel w^{ch} I teach. Frailty is so conspicuous and [illegible] y^{t} there are few men free from faults Either in conduct or principles, but I assure y^{r} L^{d}shp. I can give a good acc^{t} of myself, and the end of any Scrutany against me would be favorable to me; I am not partial to myself, and with respect to my ministry my conscience clears me of all unfaithfulness and neglect of duty. Four years I preached here freely at my own house without demanding or Expecting anything for my pains, and gave the greater part of my congregation a dinner every Sunday, and did not receive in all y^{t} time any Consideration and some weeks with a laborious diligence I traveled 60 or 70 miles to

preach and Baptize and returned home against Sabbath day; and I hope it was not simply unlawful for me to Endeavour to subsist myself by Imploying what little I had in trade or in any honest way to preserve it; where many of ye Inhabitants here are in such mean Circumstances y^{t} they cannot maintain a minister; and if I had Insisted on a maintenance at my first settlement it would have hindered me from being so useful here by hindering the people from coming under the preaching of ye Gospel, finding it would be charitable to them and therefore I was willing to give them a Convincing proof y^{t} I sought not theirs but them. But having met with various losses and disappointments the vestry for this parish came to a resolution Easter Monday March ye 26th [173$\frac{4}{5}$?] to allow me a Sallry as mentioned in their Letter to y^{r} Society in my favour, but I have not received to y^{e} value of 100^{lb} this Currency, w^{ch} is not above twenty pounds proclamation, and have no certain prospect when I shall receive the remainder, there being no care taken to collect it at present, and I am certain I cannot be at unnecessary charges; when I preach at Brunswick and in travelling to ye different places where I am called or officiate have spent in the last two years about two hundred pounds this currency besides being often obliged to take two negroes for three or four days in a week to transport me by water where I necessitated to preach, to the great neglect of my plantation, w^{ch} would be a certain maintenance if I could allow myself to continue at home, and mind the business of it and not be solicitous to do what good I can in this new settlement; and his Excell^{y} our Govern^{r} is fully convinced of this, and therefore I hope will not fail to do me Justice to y^{r} Lordshp. I have often declared, and it is a true assertion, y^{t} if y^{r} Lordship was on any acc^{t} to suspend me from exercising my ministerial function it would be as great a service as y^{r} Lordship could do me if I was to continue here. I am bould to say y^{t} there is not a clergy in the West Indies or in any part of America y^{t} has a better title to y^{r} Societies favour as I can make fully evident. I have never acted from worldly advantages and I undergo more fatigue & labour in the discharge of my office than any three Clergyman in St. Caroline y^{t} has ye Societies allowance; love is the spring and fountain of all my performances which makes me undergo my toilsome service with ye utmost chearfulness for I have met with little or no Consideration for my pains and diligence so y^{t} cannot be any inducement to me. I have run myself into a great many Inconveniencies and I am now in an advanced age and under difficult circumstances and not so capable as I have been to perform every toilsome service, but however I shall never be sparing of myself for fear of shortning my day for I am truly sensible y^{t} the lamp of my life

can never burn better than in endeavouring to light others to heaven; and shall never judge any labour or pain too great in contending with the errors and sins of men sufficient in ord^{r} to bring them unto God by conversion and repentance my behaviour here for near seven years must have convinced all reasonable persons y^{t} I have a true compassion for ye souls of ye people of this new settlement and a fervent desire to farther their salvation, and whatever success I have had I hope I shall receive the reward of an honest endeavour from him who estimates our pains not by their results but by their natural tendencies and sincere intentions; and I flatter myself I shall be so happy as to meet with y^{r} L^{d}ships approbation and generous encouragement. Pray lay aside all displeasure against me and let me experience ye candid disposition, and make me so happy as to assure me y^{u} retain a favorable opinion of me. Your lordship has always encouraged the honest endeavours of ye meanest of y^{e} Clergy, I beg of you let not me ye only unfortunate instance of denying it. if y^{r} lordship out of y^{r} great goodness and compassion will condescend to procure me a yearly allowance from ye Society in some measure answerable to ye Charges I must be at and the fatigue I must undergo I shall ever greatfully acknowledge the favour and you may firmly depend shall have no Reason to repent of any Service you do me or of any Condescentions in my behalf.

I have no Library, no books but only y^{e} Bible. Burket on y^{e} new testament and Common prayer Book but what I borrowed, and truly my L^{d} there are very few Bibles, common prayer Books, books of devotion &c in this Province; Indeed my L^{d} it would be a great act of charity without delay to supply this part of y^{e} Province at least with good Books. There are alas some persons very Industrious to furnish many families with the Independ^{t} rigg, Jubb and Walstone on our Saviour's miracles and several others of ye same pernicious kind w^{ch} are sent abroad; I have lately obtained your Ldships Letters to ye People of y^{r} diocese w^{ch} has been of great service to me. I humbly entreat y^{r} Lordship to condescend to prevail wth ye Society in favour of this place to send what books y^{u} may judge necessary and if you will be pleased to order them to my care they shall receive from me all possible satisfaction in ye discharge of my duty and the prudent distrabution of ye Books y^{t} shall be sent

I have endeavoured as much as may be to get an exact knowledge of the inclinations, dispositions, state and condition of the Inhabitants of N Carolina and if y^{r} Lordship requires an acc^{t} from me will not fail to send y^{u} as perfect an one as I can. I am well known in all ye parts of this Govrm^{t} and have baptized in it about thirteen hund^{d} men women

and children besides some negro slaves and never received ye least Compensation on y^{t} acct. I have always endeavoured to guard myself from Contempt and have procured a moderate reputation to myself in all parts of this Province.

I will not be any farther troublesome to y^{r} Lordship at this time but conclude wth beging your blessing and encourg^{mt}, and let me assure y^{r} Lordship y^{t} no one can declare with greater cheerfulness or greater friendship or with more respect and regard than myself y^{t} I am y^{r} L'dshp's most Humble and most obed^{t} Servant

RICH^{d} MARSDEN

Cape Fear North Carolina
July y^{e} 7th 1735

[B. P. R. O. B. T. North Carolina. Vol. 9. A. 60 and 64.]

My Lords, [of the Board of Trade]

I have the Honour to send along with this a Copy of the Heads of the Quit Rent law and a Copy of the Bill as it was when rejected by the Council Your Lordships will no Doubt observe the Reasons which Induced the Council to lay it aside viz the paying the King his Rents in Commodities at so High a rate and at so many different Landings that the Expense in collecting them would have been Intollerable and in the End His Majesty would not had six pence neat per 100 acres

I have likewise sent a copy of the State of the Blank Patents the originals of which I transmitted by the way of South Carolina about six weeks ago The Gentlemen concerned were very fond of representing their Case to your Lordships at first But for what reasons I cannot tell they seem to be so cool about it now that I am not able to Guess whether they will make any defence or not, But I Hope this will not occasion any Delay in the order I shall expect from your Lordships on this subject I have ordered four or five of the Blank Patents to be proceeded against in His Majestys Court of Exchequer Lately Erected Here. And shall be sure to send your Lordships a Copy of the proceedings as soon as matters are brought to any issue. Several of our people have begun very modestly to Question whether His Majesty Has a power to Erect a Court of Exchequer here without an act of their Assembly Their Arguments are Borrowed from a Book published by M^{r} Morris Late Chief Justice of New York As my Instructions are very plane and

positive on this Head I shall not trouble myself with any of their Quibbles It would not however be amiss to send the opinions of some Eminent Lawyer on this Subject It has been a great Loss to me that I have never yet had the opinion of the Attorney and Sollicitor General concerning the validity of our Laws thō it was Laid before them eight months before I left London

In my Last I observed to your Lordships that it was a Great detriment to the Revenue that we Had no receiver General who resided within the province when I ordered the arrears of Quit rents to be collected I found they began to raise a clamour that as Mr Hammerton resided in South Carolina all the Ready money and bills of this County would be carried thither in order to take away all pretence for this complaint by the Advice of His Majestys Council I appointed a receiver who lives in the province until the Kings pleasure should be known some months after this upon Mr Hammertons coming into this province I took care to acquaint him with the Reasons of my proceeding which however were so far from satisfying Him that he immediately joined himself to those very people who fomented the abovementioned clamour, and who have left nothing undone to prejudice His Majesties Revenue At last he had the impudence to fix up an Advertisement dischargeing his Majesties subjects from paying their rents as required by me in a proclamation published Last April he took care Indeed to fly the province as soon as he had done this otherwise I should soon have made him sensible of his presumption, But as this madness of His may have a very bad effect at so critical a time as this as the people here want only a Handle for not paying their rents and as it is the Highest fault to his Majesties Government Here If it is not taken notice of in the manner it Deserves, I shall really think myself very hardly dealt by. If any servant of the Crown is conived at when Guilty of so gross an effront and of Obstructing the service of his Majesty. In so unsettled a Colony as this is, It will be Impossible ever to bring matters to a Happy settlement

I thank God I have no Quarrel with any Body in this Country upon my own account If I have any Enemies they are Enemies to the just Rights and Revenues of the Crown and while they remain such their friendship shall never be courted by

My Lords yours &c GAB JOHNSTON

Cape Fear
July 10. 1735.

[B. P. R. O. North Carolina. B. T. Vol. 21. p. 220.]

12 Sept 1735

Sir, [Governor Gab. Johnston]

We have received your letters of the 7th October and 12th December 1734 as also another of the 25th May last and We are very glad to find by them that the trade of your Province has so fair a prospect from the account you give us of the increase of its productions but when you mentioned this and the forty two sail of ships that went from Cape Fear River you ought to have sent us a more particular account thereof as likewise what the said ships were loaded with.

We have considered your observations with regard to the manner of making tar in your Province and as We are of opinion that they are right We think you ought to move the Assembly that some proper regulations might be enacted as rules for making of Tar throughout the Province and a proper person or persons appointed to inspect the several kilns that penalties might be inflicted on such of them who transgress the said rules For altho' at present endeavour at quantities on account of the Bounty yet if the Tar of your Province should be brought into disrepute by the burning quality of it none of it will be exported from thence and that Manufacture will be quite lost to those of your Province who now maintain themselves thereby.

It is with pleasure that we read the account you have given us of the industry of the people settled on Cape Fear River and of the attempts they are making towards the Manufactures of Wine Oyle and silk for which you have desired us to prevail with the Legislature to grant a Bounty. We are always ready to do whatever within us lies for the encouragement of industry in any of the Colonies but before we know what progress the people are able to make in these manufactures and have some specimens thereof it would have but little effect were we to propose what you have desired

Your letter of the 25th May 1735 relates chiefly to the Blank Patents and although we may be absolutely of your opinion with regard thereto Yet as they are deemed private property by such persons as are in possession of them We choose to have the Attorney General's opinion thereon before we send you any directions on that subject and we have accordingly referred to him the case you transmitted to us and an extract of what you have wrote in your abovesaid letter concerning them for his opinion in point of law so that we hope you may receive some directions upon this subject by November next as you have desired.

We have received no Representation from the Proprietors of these Blank Patents as you mention and you may be assured that if we should we shall give no countenance to any thing that shall have the appearance of fraud.

We are sorry the Law you proposed for procuring a Rent Roll and regulating the Quit Rents did not pass the House but we hope you may have better success the next Session of Assembly as you seem to expect and that the King thereby may be assured of his Quit Rents without the payment of which and of a general Registry of all the Grants and Patents the People are to understand their Arrears of Quit Rents to the time His Majesty made the purchase are not to be remitted You have therefore done very right to erect a Court of Exchequer in which any disputes about Quit Rents or Titles to Land will properly be adjusted and we desire to have an account of the proceedings in that Court.

The Boundary Line between South Carolina and your Province we find has at last been adjusted by Commiss^{rs} on both sides and we shall always have a proper regard to so solemn a determination agreed to by persons properly empowered by each of the Provinces when you gave us this piece of intelligence you ought to have sent us a full description of the said line and a Draught thereof signed by the Commiss^{rs} or an authentic copy thereof under the seal which we desire you will do as soon as conveniently you can.

We shall immediately recommend to his Majesty the following Gentlemen viz: William Forbes, James Innes, and Thos. Wardroper Esq^{rs} to supply the three Vacancies you mention in the Council occasioned by the death of M^{r} Ashe and the absence of Richard Eyans and James Stallard from the Province you tell us you cannot find the two last were ever in the Province which may be the case They were recommended to us by your Predecessor but we hope you will be more cautious in your recommendations.

We desire you will constantly give us accounts of all transactions in your Gov^{t} and that you will not omit to send us annual answers to our circular Queries of which we now send you a copy. So We bid you heartily farewell and are

Your very loving friends &c

FITZ. WALKER M. BLADEN
THO. PELHAM JA. BRUDENELL
RICH. PLUMER

To Gov. Gab. Johnston

Whitehall Sept. 12th 1735.

[B. P. R. O. Am: & W. Ind: No. 592.]

Memorial of the Swiss to be Carried over to Carolina

May it please your Excellency.

We have been informed by a little Boock printed in Bern that the King of England wants Maun that are brought up to country Buissiness and know to improove Land and make Butter and Cheese, in the Royal Province of Carolina wich as wee heard is a land flowing with milck and Honey, wee think ourselves happy to bekome the Subjects of so great and generous a King and usefull to the most charitable Nations under Heaven.

Wee have sold our small Substance in our native country and meight have paid our expences But as wee were instead of fourteen days, fourteen Weeks upon the Rhine where the Armees have made all things scarce wee have laid out all our money and must now beg your Excellency to recommend us and our wives and children to the Kings bounty that he may send us to that blessed Country in the Two Boathes commandet by Captain Thomson, who has been so good to the Saltzburgers while our Captain has been so hard to us and wee shall for ever pray that God may bless the King and his good people

To his Excellency My Lord Harrington one of his Majesty's Principall Secretaries of State London.

[B. P. R. O. B. T. North Carolina. Vol. 9. A. 63.]

To his Excell^{y} Gab Johnston Esq^{r} &c of No Carolina

The Honble Address of the Inhabitants of Bertie & Edgecombe precincts. [Oct. 1735]

Your Excell^{y} in your answer to the Grand Jurys Address seemed to wonder that you should hear any more upon so Unreasonable a Subject wee hope it will not be thought unreasonable that we should Address y^{r} Excell^{y} to protect our Laws & Liberties & that we may not be disquieted in the possessions of our Estates, (tho poor & mean) which we first paid for honestly & afterwards Settled and Improved with much hard Labour from the Barren Woods exposed to the Violent heat of the Sun most part of the Year and many of us trusting to what providence would lay in our way for food Sometimes a Deer or Bear & sometimes a Racoone

& many days nothing a rare feast for Industrious Protestants and that many of our Ancestors have fallen by the hands of the Savage Indians we believe will not be worth mentioning The fatigue of Settling an Estate in this Province Your Excell^{ys} predecessor might have informed you for no man living could have taken more pains & fatigue then he did to acquaint himself with this Province in General which his many Journeys & travels into the back woods on foot will Justifie Sometimes accompanied by one man Only & often pinched with hunger (nay) in danger of Perishing having but one biscutie for three days to subsist on and sometimes Coming amongst the Inhabit^{ts} without a Ragg of Cloaths to his back perhaps 200 miles from the place he set out Often carrying with him Considerable Sums of money & disposeing of it amongst many poor people to Encourage & Enable 'em the better to settle the back Lands and altho it has been alledged that M^{r} Burrington had taken the Great Quantity of the Kings Lands to his own use we say that most part of that Land lies so far back that it can be of no Service to M^{r} Burrington or to any other for 100 Years to come & even that he paid ready money for that it might encourage others to Settle the back Lands Notwithstanding these many good Offices which that worthy Gent has done for the province with many thousands more he is now Mangled with the Imputation of Violence Tyranny Perjury with many other Expressions of Indignity & yet Stands Unconvicted of either of them all which tho never so pleasing to a few persons at Most a Dozen which we know to be the whole number of his enemys will never be grateful to the province in General Who will for ever (and Deservedly) hold even his memory in Esteem & Veneration the Ministry at home are not Insensible how Easy a Matter it is to get an Assembly in the plantations to Asperse & Collumniate a Gentleman at a Distance as many precincts in this Province were not Advised of their Elections Untill the very day of Electing (Witness Curutuck and Carteret Precincts) the Latter of which petitioned for Redress but had his Mouth soon stopped with an Office tis moreover Evident that the Gentlemen who spoke their Intentions freely & Gave their Sentiments as they thought for the good of their Country did not only Incurr great displeasure but were also hindred the means of Getting their daily bread Instance M^{r} Samuel Swann & M^{r} Walter Lane Coll Hanmer is Likewise a Suffering tho Innocent Instance who acted as Chief Justice of this province by a Commission under the Seal of the Collony & by the General Approbation of the Council & to the great Satisfaction of all men with regard to dispatch Justice & Lenity & at a time when M^{r} Smith now Chief Justice was not in the province Yet this Gentleman has been tossed into Goal & held there a winter's night

and all manner of Bail refused him tho the best Gentlemen in the Country and most Responsible Tendered themselves and is now obliged to dispose of his Estate here & in Virginia & to part from his Family in hopes to be redressed where Liberty is not trampled under foot which we hope he will meet with Your Excell^{y} is pleased to call our deed of Grant a Temporary letter of Attorney which Subsisted two years only You may call it what you please S^{r} but we are persuaded the Lords proprietors meant as they wrote (if so) the proprietors as may appear by their deed of Grant directed their Council here to grant Lands to any persons in Albemarle County by reason their Lands would not produce tobb^{o} as well as the Virginia Lands the Quit Rents then became payable in other Commodities at Certain Rates & at which rates these Commodities were Constantly received at every mans House and the said payments never refused by the Lords proprietors but being Content they sent directions in the Year 1712 to their Receiver General here how he should dispose of these Commodities which plainly Shews that not only the Lords proprietors deputies with the Representatives of the people here duly Elected have Settled the Quit rents to be payable in our Commodities here at Certain prizes but there is also the Lords Proprietors Assent thereto in directing their Receiver General how to Dispose of Said Commodities which according to the Charter is Conclusive & makes the payment of the Commodities at Certain prizes Indisputable in our Opinion Your Excell^{y} is pleased to Call our Laws Shamefull Collusions betwixt the Lord proprietors Servants & their Tenants to Cheat their Masters If our Laws be what you are pleased to Call them We may be Counted rather Fools then Cheats for Settling on so Slippery A foundation we are persuaded it would be little worth the Lords Proprietors or their Servants while to make use of any Collusions to Undo the poor Inhabitants of this province which are many degrees poorer than any of his Majesties Subjects under Heaven Your Excellency also Alledges that we make a great matter of paying The King two Shillings ℔ Hundred Acres Sterling and that if we think it a hard bargain that we may leave the Kings Lands for that they are the Kings Lands & not ours & that there to your Excell^{ys} Knowledge thousands of Industrious Protestants that would Come into our places Gladly & pay the Crown double the Rents without Clamour or Noise (we thank them kindly) & now answer that if the Lands we possess belong to the King we have no Bargain either hard or Soft but as we know our Lands to be our own paying his Majesties Quit rents which we mean to do honestly we are persuaded his Majesty would not desire us to part from our Lands & Improvements here to any people whatsoever without first satisfying us for our Labour

which when done we will readily quit the province & seek out Lands in our Neighbouring Collonys where we may Call the fruits of our Labour our own & where Collusions are not Studied & if your Excell^{y} be desirous we will leave the Blood & Carcases of our Ancestors to help manure the Ground for them which will Some what help their Industrye Your Excell^{y} seems acquainted with Thousands of Industrious Protestants who would Gladly come into our places wee will now Venture to Assert that his Majesty in his whole Dominion has not a Set of more Faithfull protestants than the Inhabitants of North Carolina that we have not a Single person amongst us who ever has been accused or found to be of any other perswasion & we will venture to say that your Excell^{y} will not pick out of the many thousands You mention even one thousand who have not a Hankering after some other Religion which we hope Sufficient to prove us as Faithfull protestants as any other Wee are sorry to see your Excell^{ys} proclamation Commanding us to pay our Quit Rents in Sterling money or bills equivalent as your Excell^{y} & the Council will please to Assess them which we Apprehend to be Contrary to our Laws & Customs & even to the Condition of the Grand Deeds Wherefore we pray your Excell^{y} will please to withdraw Said proclamation & Command the Officers who are to Collect the same to proceed according to the Laws of this Province which you Assented to by Continueing the Laws of 29 & which otherwise must End in the Utter Ruin of this poor province we further pray that your Excell^{y} will give some further time for the payment of the Arrears of Quit Rent the month of June being appointed for the first payment which is a Season of the Year wherein no Commodity of this province will Sell nor is there any Commodity in the Countrey fit for the Virginia Markett at that time of the year being the only place we have to get anything in return for our Commodities from and especially as the Arrears of Quit rent have not become due thro' any default of the Tenants but by the Officers in Neglecting to receive the same and we make no doubt but a Law will pass in the next assembly very much to his Majestys satisfaction and for the Ease of the poor Tennants There is one thing more which we begg leave to lay before your Excell^{y} (to Wit) The ill Treatment the Grand Jury of this province met with at the Setting of the Last general Court at Edenton from William Smith Esq^{re} Chief Justice Who told the Grand Jury they were perjured and wondered they would not find a bill of Indictment against M^{r} Tho Shervin of Edenton when the matter was so fully proved to them & Publickly ordered the Attorney General to bring all things before him by Information for that he would trust nothing with such men & moreover told M^{r} William Mackey a Responsible free holder & then one of

the Petty Jury that he would perjure himself for a Shilling These are proceedings never before heard of in this Province and altogether Contrary to the Liberty of a British Subject and to the power and priviledges of Grand Jurys This we hope will be worth Y^r^ Excell^ys^ while to Redress seeing it Immediately Tramples Liberty Under Foot &c

We are &c

(Endorsed)

Copy of an Address to Gov Johnston in favour of Capt Burrington the late Gov^r^ and complaining of Many hardships they have suffered by the present Gov^r^ the Chief Justice &c

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[B. P. R. O. B. T. North Carolina. Vol. 9. A. 70.]

At a court at S^t^ James the 6^th^ day of November 1735.

Present The Kings Most Excellent Majesty in Council.

Upon reading at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs Dated the 27^th^ of October last in the words following Viz^t^

Her Majesty having been pleased by Her Order in Council of the 13^th^ of this Instant to referr into this Committee a Representation from the Lords Commissioners for Trade and Plantations setting forth that John Baptiste Ashe Esq^re^ lately a Member of Your Majesty's Council in the Province of North Carolina is Dead and that James Stallard and Richard Eyans Esq^rs^ who were appointed Members of that Council in the year 1730 have not yet taken up their Residence in North Carolina; And therefore proposing that William Forbes James and Thomas Wardroper Esq^rs^ who have been recommended to the said Lords Commissioners as Persons every way Qualified to serve your Majesty in that Station may be appointed Members of Your Majestys said Council in the room of the said Ashe, Stallard and Eyans. The Lords of the Committee in Obedience to Her Majestys said Order of Reference this day took the said Representation into their Consideration, and Do thereupon Agree humbly to Report to your Majesty that they have no objection to Your Majestys appointing the said William Forbes, James Innes, and Thomas Wardroper to be of Your Majestys Council in North Carolina in the room of the said Ashe Stallard and Eyans.

His Majesty this day took the said Report into His Royal Consideration and was pleased, with the Advice of His Privy Council, to Approve

thereof and to Order as it is hereby Ordered that the said William Forbes, James Innes and Thomas Wardroper be Appointed Members of His Majestys Council of North Carolina in the room of the said John Baptiste Ashe James Stallard and Richard Eyans. And His Grace the Duke of Newcastle One of His Majestys Principal Secretarys of State is to cause a Warrant to be prepared in the usual manner for His Majesty's Royal Signature accordingly.

A true Copy JA: VERNON.

[B. P. R. O. B. T. North Carolina. Vol. 9. A. 69.]

November the 11th 1735.

Sir.

In answer to the letter I received from you last night; this is to acquaint you, that the provost Marshall of North Carolina is appointed by the King he is paid by the province for summoning the Council and other services of the Publick he has Fees setled by Act of Assembly for the businesses done by himself and Deputys, between the people that go to Law, a list of the Fees belonging this Officer may be found in the Laws of that Country, now in the plantation Office.

There is in North Carolina a province Goal built att Edenton where the General Court is allways held at the charge of the publick, att whose expence it is kept in repair

Sir Haveing answered your letter it may not be very improper to inform you, that most if not all precincts have a particular prison built att the charge of each precinct, the number of the precincts when I left North Carolina were thirteen I am

Sir Yours &c

Secretary Popple GEO BURRINGTON

[B. P. R. O. North Carolina. B. T. Vol. 10. B. 9. and 41.]

My Lords [of the Board of trade]

Your orders of the 11 of June last did not come to my hands before the latter end of October and this is the first opportunity by which I could inform your Lordships that there is not now, nor has been in any former time that I know of, any Duty in this Country upon any sort of goods imported, except a small Import upon Wine, Beer, Cyder, Rum

and Arrack not imported from Great Britain, of 18 per Gallon this currency that is about $2\frac{1}{2}^{d}$ sterlin which was laid on last sessions of Assembly for defraying the charges of Government, and there is likewise a duty upon shiping which is called powder money of 3^{s} this currency per ton.

I send your Lordships by this conveyance the Regester of the Upper and Lower House last sessions of Assembly as also a Copy of the Laws which were then passed, a list of the Officers Fees in Currency and Silver money, and also a Copy of the Laws of this Province, or what they call their Laws for except six there was never any of them ratifyed as the Charter directs, upon which account whenever I found any of them which incroached upon his Majesty's prerogative or revenues, I took advantage of that defect and would not allow that they were laws some of them are so very gross and invade the Right of the Crown so plainly, others are so unjust in matters of private life, that I could not help pointing them out to your Lordships and I hope you will with the first convenient opportunity advise his Majesty to them for untill that is done they will be eternally about them.

the Honour to write to your Lordships the Collection of the Arrears of Quit Rents for Albemarle County of Trade. was not finished I find the Receiver and his assistants then collected £1200 ster: they are now about the second of Arrears which I am satisfied will amount to double that Sum and in March next they proceed to collect the whole Arrears for the County of Bath, notwithstanding Hammerton's insolent attempt, the people pay very quietly and as we make them shew their Deeds by which they hold their lands I believe we shall have a very exact Rent Role thō it costs a good deal of trouble and charges the collecting his Majesty's Rents with so much Spirit as has been done in this Province is not only the best method of getting a good Quit Rent law next Assembly but is really in some respects better than if we had gott a good one last sessions because it shews the people that the King will have his Right whether they or their Assemblys consent to it or not which is a very new sort of doctrine to them

The only remains of faction in this Colony is kept up by M^{r} Moseley and the Moors the principall proprietors of the Blank Patents they have burnt the light wood and boxed the trees of most of the poor pine land and consequently rendered it unfitt for anybody to take up, and now they want to hold the rich land at 6^{d} per. 100 acres. I hope your Lordships have sent me before this time full directions how to proceed in this affair in answer to my two last and to the State of the Blank

Patents I should be glad to know if my predecessor sent me the Prop^{rs} Seal after his Maj^{tys} purchase because I have lately heard of some Quires of Blank Patents lately seen in a private persons custody all subscribed with the names of the Prop^{rs} Council but not Sealed, now if the Seal be Still in the Province there will be no end of these Patents I am

Yours &c

Edenton Dec: 5th 1735. GAB: JOHNSTON

Gov^{r} Johnston's Observations upon several old Acts passed in North Carolina, & transmitted in One Book with his Letter of 5th Dec^{r} 1735.

The Biennial Law.

This Act ought to be repealed because by the first Clause the Subjects are Impowered to meet for the Election of Representatives without any writt from the Crown.

2^{ndly} They are impowered to meet in consequence of that Election by the second clause.

3^{rdly} The 3rd Clause is a contradiction to the two former.

4^{thly} By the last Clause the question is too large and often proves inconvenient.

At the end of the first Clause it is Enacted that every Precinct in Albemarle County should send five members, which besides the Inequality of it (the Precincts of Bath County being allowed but two) makes the representative vastly two large, and often tumultuous. No Precinct ought to be allowed more than two Members; and besides repealing this Act, it would be proper that this was declared by his Majesty in Council in the most express terms, any Law usage or Custom to the contrary notwithstanding.

"An Act ascertaining the time for return of Original Writs" etc.

The second Clause contradicts the first and occasions great delays of Justice. The 3rd & 4th Clauses seem to be unintelligable, therefore ought to be repealed.

"An Act to direct the method about the Examination of Criminals."

This Act seems to be Against the Laws of England, as it impowers the Justices of peace, to try the matter, & examine the Evidences on both sides.

"An Act for the relief of such Cred^{rs} having land depart without leaving personal Estate."

By the last Clause in this Act too much power seems to be Vested in the Inferior Courts, and there are many instances in this Province in which it has been grossly abused.

"An Act to direct the disposal of Goods upon Execution"

The whole of this Act injurious to his Majesties prerogative and Revenues.

"An Act concerning Attorneys."

This Act in many places contrary to Natural equity.

"The Form of a Pattent."

This Law useless.

"An Act concerning old Titles."

This Law unintelligable, contradictory and in many places unjust.

"An Act for preventing disputes concerning Lands surveyed."

This Law by its first Clauses seems to be contrived to screen the rogueries of Land jobbers, and in the following Clauses highly injurious to his Majesty's Revenue.

"Staple Commodities Rated."

This Law is most unjust and seems to be calculated entirely to defraud the King of his rents, and the fair Trader of his Right, and ought to be repealed.

"An additional Act for rating Staple Comodities."

This Act ought to be repealed for the same faults contained in the former Act.

"An Act to appoint the marking of Horses."

This Law is very unintelligable and contradictory.

"An Act concerning Orphans."

This Law highly unjust and seems designs to encourage and protect unjust Guardians who rob their wards, a practise too common in this Country.

"An Act for preserving the Queen's peace."

This Act is well framed for support of the Prerogative.

"An Act for ascertaining Officers Fees."

"An additional Act for the same purpose."

These Acts ought to be repealed because they give too large a Power to the Lower House to establish Fees.

2ndly The Fees established are not sufficient to support the Principal Officers of the Crown in any tolerable degree.

3rdly The last Clauses in the Additional Act make it impracticable for the Officers to recover their Fees.

"An Act concerning Escheat Lands."

Some of the Clauses of this Act are not intelligible, by the last Clause the Assembly are invested with a power which plainly encroaches on the royal prorogative.

"An Act for lessening the Land & Pole Tax."

The 14th Clause of this Act supports His Majestys Prorogative, other Clauses are usefull.

The 21st Clause is injurious to the Prorogative.

"An additional Act to an Act for Qualification of Officers."

This Law disables the Government to grant any office to any British subject who hath not resided three years in this Province, which is injurious to the Prerogative and the Subject.

[B. P. R. O. B. T. JOURNALS. VOL. 45. P. 20.]

BOARD OF TRADE JOURNALS.

WHITEHALL Thursday Febry 6th 173$\frac{4}{5}$.

Minutes of the Council of North Carolina of Septr 1734 including several Affidavits &c. relating to differences between the Governor & several of the principal Officers in that Government were read And directions were given for sending a copy thereof to Mr Johnston the present Governor of that Province for him to enquire into and report to the Board the truth thereof.

[Page 78.]

Friday June 6th 1735.

A letter from Mr Furie Agent for South Carolina dated 8th May. 1735 inclosing the extract of one from Col. Johnson Govr of that Province relating to the Boundaries between North & South Carolina was read And their Lordships taking the said Instructions into their consideration were of opinion that Wagyamaw River is thereby the intended Boundary between the two Provinces and gave directions that the Secretary do prepare a letter to each Governor accordingly.

[Page 84.]

Tuesday June 10th 1735

Their Lordships taking into consideration the draft of a letter ordered likewise to be prepared the 6th inst. upon the subject of the Boundary Line between North & South Carolina gave directions that Capt. Burrington late Govr of North Carolina and Mr Fury Agent for South Carolina should be desired to attend the Board on Friday next.

[Page 92.]

Friday June 13th 1735.

Capt. Burrington late Govr of North Carolina attending as he had been desired as also Mr Furie Agent for South Carolina their Lordships took again into consideration a letter from Mr Furie read the 6th inst. in relation to the Boundary line between the said two Provinces and desiring Capt. Burrington would give their Lordships his opinion concerning the said line as described by the Instructions to the respective Govrs he said that in his opinion the running that line was hardly practicable or if it was it would be attended with great difficulty and expense on account of its being to be run at 30 miles distance from Cape Fear River that the Boundary Line between Virginia and North Carolina although a due West Line and to be chiefly run through an inhabited Country had cost His Majesty upwards of £2000 whereas the Line between North and South Carolina besides the aforementioned difficulty being to be run through a Country almost entirely uninhabited would cost upwards of £4000 That in his opinion the only natural Boundary between the said two Provinces would be the Pedee River and would be attended with no expense to either of the Provinces

Their Lordships them resolved to take this matter into consideration at another opportunity and to desire Mr Craven formerly Govr of South Carolina to attend the Board at that time.

[Page 95.]

Tuesday June 17th 1735.

The Board taking again into considern the Instructions to the Govrs of South and North Carolina with regard to the Boundary Line between the two Provinces mentioned in the Minutes of the last Meeting appointed next Thursday sen'night for the further consideration of this matter and gave directions that Mr Craven late Govr of South Carolina Mr Burrington late Govr of North Carolina and Mr Furie Agent for South Carolina should be desired to attend at the same time.

[Page 113.]

Thursday June 26th 1735.

Mr Craven formerly Govr of South Carolina Capt. Burrington late Govr of North Carolina attending as they had been desired as also Mr Furie & Mr Younge Agents for South Carolina the Board took again into consideration the letter from Mr Furie relating to the Boundaries between North & South Carolina read the 6th inst. and after some discourse with these gentlemen thereupon their Lordships agreed to consider further thereof at another opportunity.

[Page 156.]

Tuesday July 29th 1735.

Letter from Mr Furie dated July 29th 1735 inclosing an extract of one from Mr Abercrombie signifying that the Boundaries between North and South Carolina are settled to general satisfaction was read.

[Page 208.]

Wednesday Septr 3rd 1735.

Three letters from Capt. Burrington late Govr of North Carolina dated June 1. Sept. 17th and October 7. 1734 giving accounts of two Vacancies in the Council there and of New Councillors & other Officers sworn in, were read, and

Three letters from Gabriel Johnston Esq present Govr of North Carolina dated Dec. 12. 1734 and 25 May 1735 relating to the products and manufactures of that Province and proposals for improving the same to the benefit of this Kingdom

Ordered that Mr Cary be wrote to for the prices of Plantation pitch & tar.

And that the case about blank patents for land in that Province be sent to Mr Attorney General for his opinion thereon

[Page 214.]

Wednesday Sept. 10th 1735

Draft of a letter to Mr Johnston Govr of North Carolina was agreed to & order'd to be transcribed—and signed Sept. 12th

Ordered that a letter be wrote to Mr Broughton Lt. Govr of South Carolina for a Draught of the Boundary Line between that Province and North Carolina signed by the Commissrs who laid it out.

[Page 227.]

Tuesday October 14th 1735.

Capt. Burrington late Govr of North Carolina presented a letter from himself relating to Blank Patents for granting of land in that Province in contradiction to Govr Johnston's state of 'em sent the 3rd of the last month to the Attorney General, was read

Ordered that a copy of this letter be also sent to the Attorney General and that he be desired to attend the Board next Thursday upon that subject

Then Capt. Burrington presented the Copy of an Address from two precincts in North Carolina to Govr Johnstone in favour of Capt. Burrington and complaining of many hardships they lye under by the present Govr the Chief Justice &c.

Letter from Mr Johnstone the present Govr of North Carolina dated July 10th 1735 complaining of difficulties in collecting the Quit rents and passing an Act for that purpose and upon his erecting a Court of Exchequer the people objected to it And that Mr Hammerton has interrupted the collection of Quit rents & transmitting

Heads of a Bill for settling the Quit Rents

Case of that Bill when rejected by the Council and

Case of the Blank Patents

[Page 232.]

Friday October 17th 1735.

Mr Wragg then presented to the Board a Memorial from the inhabitants of Cape Fear—which Memorial was deliverd to Mr Attorney General for his opinion thereon as also some other papers.

Capt. Burrington late Govr of North Carolina attending informed the Board that Blank Patents were Patents signed by the Govr & half the Council without the seal which was never affixed till the land was surveyed and entered in the Receiver's Office to whom all arrears of Quit Rents is paid from the date of the Blank Patent and the purchase money And that Mr Little's widow has a book wherein is an account of all Grants made in that Province and to whom

Ordered that a letter be wrote to the Govr to get that Book

[Page 242.]

Friday October 31st 1735.

Letter from Capt. Burrington dated Oct. 28. 1735 about the blank patents for Land in North Carolina was read

Ordered that Mrs Little be wrote for the entry of those patents

[Page 245.]

Tuesday November 11th 1735

The Secretary informed the Board that there was no establishment of North Carolina at the Treasury and that he had wrote to Capt. Burrington for Answers to some Queries relating to the Provost Marshal and public gaol of that Province and a Letter from Capt. Burrington in answer thereto was read.

[Page 264.]

Friday December 5th 1735

Copy of an Order in Council of Novr 6th 1735 approving Wm. Forbes James Innes & Thomas Wardroper to be of His Maj. Council of North Carolina was also read.

[Page 270.]

Thursday December 11th 1735.

Draught of a letter to Gabriel Johnstone Esqre Govr of North Carolina ordered to be prepared 21st Oct. 1735 in order to procure a Book now in the possession of the widow of the late Mr Little of that Province in which all Grants of Lands in that Province was agreed to

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[From the MSS. Records of North Carolina Council Journals.]

COUNCIL JOURNALS.

At a Council held at the Council Chamber in Edenton the 15th January Anno Dom $173\frac{4}{5}$

Present His Excellency Gabriel Johnston Esqr Governor &c.

The Honorable { Will Smith, Eleazer Allen, Robert Halton, Roger Moore, Edward Moseley } Esqrs Members of His Majestys Council

His Excellency the Governor was pleased to direct that Robert Forster Gent. Qualify himself as Clerk of the Council of this Province, the said Forster accordingly appeared and took and subscribed the several Oaths by Law appointed for Qualification of Publick Officers as also the Oath of Clk. of the Council of this Province.

Nathaniel Rice and Cullen Pollock Esqrs appointed Members of Council for this Province by his Majestys royal Instructions now appeared at this Board and took and subscribed the several Oaths by Law appointed to be taken as also the Oath of a Councillor and their places at the Board accordingly

Present

The Honorable { Nath: Rice, Cullen Pollock } Esqrs Members of His Majestys Council

Then the Board adjourned till to-morrow morning ten of the Clock

January the 16th

The Board met according to adjournment.

Present His Excellency Gab. Johnston Esq. Governor, &c

The Honorable { Will Smith, Rogr Moore, Nath Rice, Edward Moseley, C Pollock } Esqrs Members of His Majestys Council

Edmund Porter Esqr appointed a Member of Council for this Province by his Majestys Royal Instructions now appeared and took and sub-

scribed the several Oaths by Law appointed for Qualifycation of Publick Officers as also the Oath of a Councillor and his Place at the Board accordingly

Present The Hono^{ble} Edmund Porter Esq^{r}

At a Council held at the Council Chamber in Edenton the 29th day of January 173$\frac{4}{5}$

The Honorable { Nath Rice, Robert Halton, Ed. Porter; Eleaz^{r} Allen, Roger Moore, C. Pollock } Esq^{rs} Members of His Majestys Council

John Montgomery Esq^{r} His Majestys Attorney General appeared before this Board and prayed leave to make the following information which he read and is as follows Viz^{t}

May it Please Your Excellency,

I think it my Duty to complain to your Excell^{y} in behalf of his Majesty against Edward Moseley Esq^{r} a Member of this Board for an Insult offered to the Person of His Majesty's Chief Justice in the sight of the Members of the General Assembly.

I yesterday received the Information from Persons present and intended to take such measures as the Law directs but when I considered that the Person of the Principal Officer could not be safe for only complaining of Injuries done to the Crown I for my part was afraid to proceed in the Ordinary Course least my Authority should be dispised and an Insult offered even to the Law.

The Riots and disorder of this province can no longer appear Strange to your Excellency when you find a Member of Council offering an outrage to the Person of the Magistrate appointed to distribute Justice to the people and to correct and reform the abuses of Government and by his Example teaching others to contemn the Chief Guardian of the Laws

When the persons of the Magistrates who are to execute the Laws are rendered low and contemptible in the Eyes of the people the Laws themselves will quickly be despised and then Sir what protection can any Man expect either for his Person or Property If we are to be assaulted for only talking of his Majestys rights with what safety can we maintain and defend either the rights or Authority of the Crown in the Courts of Justice or execute our Offices Schemes we must expect will be laid for our Destruction.

The only Safety we can promise Our selves is in the protection of Your Excellency I therefore Sir humbly begg Your Excellency That Justice be done and that a remedy be applied to this wound given to the authority of the Crown and that the Council and Assembly do pass some Laws

to preserve the respect due to the Persons of the principal Magistrates and to protect them from such Insult for the future

His Excellency the Governor then desired Mr Chief Justice Smith to produce his Witnesses who called upon William Downing Esq^{r} Speaker of the lower House of Assembly

His Excellency the Governor after hearing Mr. Chief Justice's Charge and Col^{o} Moseleys Defence as also the Depositions on both sides was pleased to ask the opinion of the Council thereon who were unanimously of opinion that Col^{o} Moseley a Member of this Board had committed a high Breach of the Peace in striking Mr Smith His Majestys Chief Justice of this Province before several Members of both Houses of Assembly after several hot words had passed between them. Thereupon His Excellency the Governor by and with the advice and consent of his Majesty's Council doth Order that the Attorney General doth prosecute the said Col^{o} Moseley in His Majestys name at the next General Court to be holden for this Province for the aforesaid Breach of the Kings peace and that in the mean time the said Edward Moseley be bound over by recognizance to answer the said offence in the sum £1000 Proc^{t} money and his Sureties each in the sum of £500 like Money.

At a Council held at the Council Chamber in Edenton the 30th day of January 173$\frac{4}{5}$

Present His Excellency the Governor.

The Honorable { Nath Rice, E. Allen, Robt Halton, E. Moseley, E. Porter, R Moore, C. Pollock } Esq^{rs} Members of his Majesty's Council

Upon reading at the Board this day the Petition of Chowan Indians setting forth that they being possessed of a large parcel of Lands lying in Chowan precinct and but few in number to cultivate the same or make any benefit thereby and praying leave to make sale of part thereof the same was accordingly granted.

Whereupon a Deed of Sale from Thomas Hoyter James Bennet, Charles Beazley and Jeremiah Pushing Chief Men of the said Chowan Indians to Jacob Hinton for fifty Acres of Land was read and the consideration mentioned in the said Deed being fifty Pounds the said Indians were thereon interrogated who acknowledged they had received the money and was therewith content.

Whereupon His Excellency the Governor by and with the advice and consent of this Board was pleased to allow and approve of the said Sale to Jacob Hinton

A Deed of Sale from James Bennet, Thomas Hoyston, Charles Beazley and Jeremiah Pushing Chief Men of the said Chowan Indians to James Brown for one hundred acres of Land was read and the Consideration Money therein mentioned being twelve pounds the said Indians was thereon interrogated who declared they had received the full consideration money therein mentioned and were fully content and satisfyed therewith whereupon his Excellency the Governour by and with the advice and consent of this Board was pleased to allow and approve of the said Deed of Sale made by the aforesaid Indians to James Brown

A Deed of Sale from James Bennet Thoˢ Hoyton, Charles Beaseley and Jeremiah Pushing Chief Men of the Chowan Indians to Richard Minchen for one hundred Acres of Land was read the consideration money therein mentioned being fifty pounds and the said Indians being interrogated thereon were therewith content whereupon his Excellency the Governor by and with the advice and consent of his Majesty's Councel was pleased to allow and approve of the said Deed.

A Deed of sale from James Bennet Thomas Hoyter Charles Beasley, Jeremiah Pushing, John Robins, John Reading and Neuse Will Chief Men of the Chowan Indians to Thomas Garret for four hundred Acres of Land was read at the Board and the Consideration money therein mentioned being One Hundred and fifty pounds the said Indians declared that they had received part thereof and that they had the said Garrets obligation for the remainder and were therewith fully content whereupon his Excellency the Governour by and with the advice and consent of his Majestys Council was pleased to allow and approve of the said Deed

A Deed of Sale from Thomas Hoyter, Jeremiah Pushing, Charles Beasley and James Bennet Chief Men of the Chowan Indians to Michael Ward for two hundred Acres of Land the Consideration Money therein mentioned being sixty pounds and the said Indians being interrogated thereon were content. Whereupon His Excellency the Governour by and with the advice and consent of his Majesty's Council was pleased to allow of the said Deed

A Deed of Sale from Thomas Hoyton, James Bennet Charles Bennet and Jeremiah Pushing Chief Men of the Chowan Indians to Jacob Hinton for two hundred acres of land was read and the consideration money therein mentioned being one hundred pounds the said Indians were thereon interrogated who declared therewith content whereupon His Excellency the Governor by and with the advice and consent of this board was pleased to allow of the same

A Deed of Sale from James Bennet Thoˢ Hoyter, Jeremiah Pushing and Charles Beasley Chief Men of the Chowan Indians to John Free-

man for two Hundred Acres of Land was read and the consideration money therein mentioned being one hundred and twenty pounds the said Indians were thereon interrogated who declared that they were therewith satified whereupon his Excellency the Governor by and with the advice and consent of his Majestys Council was pleased to allow of the same

A Deed of Sale from Thomas Hoyter James Bennet and Charles Beasley Chief Men of the Chowan Indians to William Hill for one hundred Acres of Land was read the consideration Money therein mentioned being sixty barrels of Tar the said Indians on examination were therewith fully content Whereupon his Excellency the Governor by and with the advice and consent of his Majestys Council was pleased to allow and approve of the same

A Deed of Sale from James Bennet Thomas Hoyton, Charles Beasley and Jeremiah Pushing, Chief Men of the Chowan Indians to Michael Ward for six hundred Acres of Land was read and the consideration Money therein mentioned being Eighty Pounds the said Indians on Examination was therewith fully satisfyed and content Whereupon his Excellency the Governor by and with the advice and consent of his Majestys Council was pleased to allow of the same

A Deed of Sale from Thomas Hoyter James Bennet Charles Beasley and Jeremiah Pushing Chief Men of the Chowan Indians to James Hinton for one hundred Acres of Land was read and the consideration Money therein mentioned being fifty Pounds the said Indians being examined thereon were therewith content whereupon his Excellency the Governor by and with the advice and consent of his Majestys Council was pleased to allow of the said Sale

Mr Attorney General Represented to this Board that Capt Aaron Blanchard had got into his possession and keeping a Patent belonging to the Chowan Indians for their Lands on Bennets Creek and that he had refused to deliver the said Patent to the Chief Men of the said Nation who prayed relief therein from this Board Whereupon his Excellency the Governor by and with the advice and consent of his Majesty's Council was pleased to Order that the said Aaron Blanchard do forthwith Lodge the said Patent in the Secretary's Office of this Province for the benefit of the said Indians and all others concerned By Order

R. F. D. C. E

At a Council held at the Council Chamber in Edenton the 11th day of February 173$\frac{4}{5}$

Present His Excellency Gabriel Johnston Esq^{r} Governor &c

The Honorable { Robt Halton, Eleaz Allen, Edm^{d} Porter, R. Moore } Esq^{rs} Members of his Majestys Council

His Excellency the Governor was please to direct that Edward Moseley Esq^{r} give security in pursuance of an Order of this Board passed the 29th day of last month before Edmond Porter Esq

Ordered that a Summons Issue to the several Gent who gave their Depositions in Council the 29th of last month to appear in Councel to morrow in the forenoon to sign their several Depositions

By Order R. F. D. C. E.

At a Council held at the Council Chamber in Edenton the 13th day of February 173$\frac{4}{5}$

Present His Excellency Gabriel Johnston Esq^{r} Governour &c

The Honorable	Will Smith	Eleaz^{r} Allen	Esq^{rs} Members
	R. Halton	R. Moore	of his
	E. Porter	E. Moseley	Majestys Council

His Excellency the Governor was pleased to lay before the Board His Majestys 36th Instruction relating to a Court of Exchequer being appointed within this Province which was read and is as follows Viz^{t}

Instruction 36th

"Whereas it is necessary that our Rights and dues be preserved and recovered and that Speedy Effectual Justice be administered in all cases relating to our Revenue You are to take care that a Court of Exchequer be called and do meet at all such times as shall be needful and you are upon your arrival to Inform us and our Commissioners for Trade and Plantations whether our Service may require that a Constant Court of Exchequer be settled and Established in North Carolina

His Excellency the Governor was pleased to ask the opinion of the Board thereon who were unanimously of opinion that such a Court was necessary

Then his Excellency the Governor was pleased to order That Mr Attorney Gen^{l} do prepare a Draft of a Commission for erecting the said Court within this Province and that he lay the same before this Board on Tuesday next

His Excellency the Governour by and with the advice and consent of His Majesty's Council was pleased to Order that Mr Attorney General Montgomery should prepare a draft of a Proclamation to be laid before this Board on Tuesday next requiring and directing the Inhabitants of Albemarle County that as they are in Arrear to his Majesty for Quit Rents Liberty will be given them to pay the same to the Rece^{r} General or his Deputy at two payments in Gold or Silver at their respective Houses producing their last receipt of Payment but in case the People shall choose to pay their Quit rents in the Publick Bills of this Province That then this Board will settle the difference of the Exchange between

Sterling money and the said Bills which must then be paid by His Majestys Tenant to the Recr General or his Deputy at the several and respective Court Houses within this County at the discount to be so settled as aforesaid and that notice will be given in every Precinct one month before the receipt By order R. F. C. E.

At a Council held at the Council Chamber in Edenton the 18th day of February 173$\frac{4}{5}$

Present His Excellency Gabriel Johnston Esqr Governour &c

The Honorable	Will Smith	R. Halton	Esqrs Members of His Majestys Council	
	Nath Rice	Eleazr Allen		
	E Moseley	E Pollock		

Mr Attorney General in Obedience to the order of this Board passed the 13 Instant now laid before them a Draft of a Proclamation requiring the Inhabitants of Albemarle County to pay the Arrear of Quit Rents due to his Majesty at two different payments which being Read was unanimously approved of

Ordered that the said Proclamation be this day published and that the Clk of this Board do immediately prepare Copys thereof for each Precinct in Albemarle County

His Excellency the Governor was pleased to inform this Board that he had directed Mr Attorney General to prepare a Draft of a Proclamation for the Auditor or his Deputy to attend at the times of payment of his Majesty's Quit Rent with the Recr General or his Deputy to Register and Enroll the Lands of every Person which being read was unanimously approved of by the Board

Mr Attorney General laid before this Board in obedience to their Order passed the 13th inst. a Draft of a Commission for Erecting of a Court of Exchequer which was read and approved of and Ordered that the same be fairly Engrossed and pass the great Seal of this province

By Order R. F. C. E. pro tem

At a Council held at the Council Chamber in Edenton the 20th day of February 173$\frac{4}{5}$

Present His Excellency Gabriel Johnston Esqr Governour &c

The Honorable	Nath Rice	Eleaz Allen	Esqrs Members of his Majestys Council.	
	R. Halton	M. Rowan		
	E Porter	E Moseley.		

Thos Wardroper Gent producing to this Board His Majestys Warrant appointing him Surveyor General of this Province the same was read and admitted of and Ordered to be Registered in the Secretary's

Office Then the said Wardroper took and subscribed the several Oaths by Law appointed to be taken for the Qualification of Publick Officers

By order. R. F. D. C. E.

N° CAROLINA.

At a Council held at the Council Chamber in Edenton the 25th day of February 173$\frac{4}{5}$

Present His Excellency Gabriel Johnston Esq^{r} Gov. &c

The Honorable { Will Smith, E. Porter, Nath Rice, Eleaz^{r} Allen, R. Halton, M. Rowan, E. Moseley } Esq^{rs} Members of his Majestys Council

His Excellency the Governor was pleased to lay before the Board several Petitions which he received from Cape Fear and Recommended the Consideration thereof to them as an upper House and that the injuries mentioned by the said Petitioner and others may be now relieved by a Bill for that purpose the said Petitions were Read.

At a Council held at the Council Chamber in Edenton the first day of March 1735

Present His Excellency Gabriel Johnston Esq^{r} Governour &c

The Honorable { Will Smith, E. Porter, Nath Rice, M Rowan, R Halton, E Moseley } Esq^{rs} Members of his Majestys Council

His Excellency the Governour was pleased to direct that the Commission for Erecting a Court of Exchequer for this Province be read which was accordingly done and unanimously approved of by this Board. Then his Excellency signed the said Commission at the Board.

Present

The Honorable { Eleaz^{r} Allen, Cullen Pollock } Esq^{rs} Members of his Majestys Council

Mr Chief Justice Smith presented to His Excellency the Governour His Majestys Warrant directing that several Patents Issue under the Great Seal of the province constituting and appointing the said Chief Justice Chief Baron of the Court of Exchequor within this Province which was read and approved of and Ordered that several Patents issue accordingly

Edward Moseley Esq^{r} Executor of the last Will and Testament of Capt Nicholas Crisp having in his hands the sum of £13.6.9.15 a sett of Smiths Tools and six Silver Spoons and a Bond of Mr Charletons

for £98, belonging to Anne, Mary, Sarah Eliza and George the children of Mr. George Durant deced. is willing to put the said Estate into the hands of Mr Joseph Buncomb who hath marryed Annie the eldest daughter of the said Mr Durant and thereby hath right to one fifth part thereof. His Excellency was pleased in Council to consent thereto and Ordered that the same may be delivered to the said Joseph Buncomb he giving security in the Secretarys Office for the delivery of each the other four childrens parts as they shall severally attain to age or day of marriage R F D Ck.

At a Council held at the Council Chamber in Edenton the sixth day of March Anno Domini 173$\frac{4}{5}$

Present His Excellency Gabriel Johnston Esq^{r} &c

The Honorable { Will Smith, R. Halton, N. Rice, Eleaz^{r} Allen, M Rowan } Esq^{rs} Members of his Majestys Council

His Excellency the Governour was pleased to lay before the Board the great inconveniency that attend on the Receiver Generals living out of this Province and that as there is a considerable Arrearage of Quit Rents now due to his Majesty the same ought to be immediately collected which of course will take a considerable part of the present currency to pay off the said Arrearage which when received would be in the power of the present Rece^{r} to take out of this Province and prevent the circulation thereof amongst the Inhabitants and that as the present Receiver General is Secretary and Rece^{r} General of the Province of South Carolina, he is by virtue of his said Offices obliged to reside within the said Province by which means the receipt of his Majestys Rents here is neglected.

Wherefore to the end the receipt of the arrearage now due to his Majesty within this Province may no longer be neglected by reason of the present Rec^{rs} absence from his Office His Excey. the Governour was thereupon pleased to ask the advice of his Majesty's Council whether it would not be for his Majestys Service and the good of this Province that a proper Person residing within the same should now be appointed Rece^{r} General in the room of Jno Hamerton Esq^{r} the present Rec^{r} General being now absent from his Office and residing at Charlestown in South Carolina till his Majesty's pleasure should be known thereon The Honoble the Council were unanimously of Opinion that a proper Person should be appointed Rec^{r} General in the room of the present Rece^{r} General who should reside within this province.

Whereupon His Excellency the Governor was please to appoint Eleaz^{r} Allen Esq^{r} Rec^{r} Gen^{l} of this province in the room of John Hamerton

Esq^{r} (now absent from his Office) untill his Majesty's pleasure shall be known thereon whom the Honoble the Council unanimously approved of Ordered that a Commission pass the great Seal of this Province constituting and appointing the said Eleaz^{r} Allen Esq^{r} Rece^{r} General of this Province untill his Majesty's pleasure be further known thereon

Whereas there has been since the Year 1725 great abuses and Frauds committed by issuing Blank Patents and in order that the said Frauds may be detected His Excellency the Governor recommended to the Board that a Committee of his Majestys Council of this Province be appointed to Enquire into the said abuses which the Council unanimously approved of Thereupon His Excellency the Governor appointed Nath: Rice, Robert Halton and Mathew Rowan Esq^{rs} a Committee to Examine into and detect all Frauds and abuses committed by Blank Patents as aforesaid and to make report of their enquiry to this Board from time to time as they shall see cause and that the said Committee have full power and authority to send for Persons Books and Papers and to hear and determine therein in the most Solemn manner

His Excellency the Governour was pleased to sign in Council a Patent under the great Seal of this province constituting and appointing the Honoble William Smith Esq^{r} Chief Baron of His Majestys Court of Exchequer of this province

His Excellency the Governour was pleased to declare in Councel this Day his Intention of opening the Land Office on Tuesday the 13th day of May at Newton on the N° East branch of Cape Fear river for the Inhabitants of that River and places adjacent in the County of Bath and in Order to do Justice to his Majesty and prevent confusion and unnecessary disputes amongst the Inhabitauts of this Province

His Excellency was further pleased to declare in Councel that the following rules should be punctually observed in disposing of his Majestys Lands to the Inhabitants thereon

First. That all persons who have possessed Lands by any Title whatsoever shall be obliged to pay Quit rents from the time of Possession whenever required by Proclamation.

2^{dly}. That all persons who have burned lightwood or boxed Trees for Turpentine on the Kings Lands may have a Grant upon payment of the Quit Rents when required as above from the time they first burned lightwood and the said Persons shall not be entituled to a Grant of any Lands whatsoever unless they take up such Lands as they have burned Lightwood upon.

3^{dly}. That all Persons who during the late times of confusion have entered and possessed Lands not Legally surveyed and Patented before

with a design to comply with His Majestys Terms when the Land Office should be opened and have cultivated and improved such Lands shall obtain a Grant preferable to all others

4. That all Persons who have taken up Lands by Warrants according to the Kings Instructions and duly surveyed the same shall have grants upon payment of the full fees the Governor without being obliged to take out new Warrants

5. That where two or more Warrants have been so obtained for the same Lands the first Warrant shall be preferred if Surveyed if neither of the Warrants have been Executed Preference to the first

6. All Persons who intend to Petition for Patents shall be obliged to give notice in writing at least one month before they apply for Lands at the Court House door of the Precinct or other the most remarkable places of their designed application and at the same time to describe the Lands they design to apply for as to their scituation number of Acres the River and Precinct where it lyes and shall be obliged to make proof of such Notice given

7. Least any thing contrary to Law in any Petition or Claim may pass unobserved no Petition or Claim shall be received before it is perused and Signed by His Majesty's Attorney General and the said Attorney shall not take above ten Shillings for a fee for such perusal and signing—Which being read the Honoble the Council unanimously approved thereof and directed the Clerk of this Board forthwith to prepare Extracts of the above Orders and rules to be observed and direct them to the Deputy Marshals in the several Precincts in the County of Bath to be by them fixed up at the most noted places of the Precincts where the Office is to be opened

His Excellency the Governour was pleased to lay before the Board a Proclamation which being read was unanimously approved of and is as follows Viz^{t}

North Carolina—ss.

By His Excellency Gabriel Johnston Esq^{r} Captain General and Governor in Chief of said province

A Proclamation

Whereas several persons have presumed to enter and burn Lightwood on his Majestys Land, and thereby discouraged others to take Grants of such Lands and Lessened his Majestys revenue, that such Offenders be duely punished, and the like audacious Invasion of his Majestys property be for the future prevented; I do by and with the Assent of His Majesty's Council declare and promise, that all persons who shall give Infor-

mation to me or his Majestys Attorney General of any person, who have at any time since the first day of August in the Year 1729, burned any Lightwood into Tar or boxed any trees for Turpentine on any of his Majestys Lands in this Government, such person who makes such discovery, shall have and receive upon conviction of each Offender, the Sum of fifty pounds current Bills, Clear of all charges of the prosecution, And I do strictly charge and command, that for the future no persons presume to burn any Lightwood or box any Trees on his Majestys Land. And his Majestys Attorney General is hereby commanded forthwith to prosecute by Information in the Court of Exchequer or by Indictm^{t} all persons who have in that manner Offended, whether by colour or pretence of Warr^{ts} Surveys or otherwise unless such persons do within the space of one month after the Land Office shall be Opened, take and procure Grants for such Lightwood Lands, and pay Quit-rents from the time they first burned Lightwood or boxed trees thereon of which all persons are directed to take notice.

GAB. JOHNSTON.

God save the King.

Given at the Council Chamber in Edenton.

His Excellency the Governour was pleased to lay before the Board another Proclamation which was also read and unanimously approved of and is as follows, Viz^{t}

By his Excellency Gabriel Johnston Esq^{r} His Majestys Captain General and Governour in Chief in and over the said province

A Proclamation

Whereas Great number of People have sat down on His Majestys Lands and continue in possession thereof, who have never taken out Warrants for surveying the said Land, in order to a Title thereto; And divers others having Warr^{ts} have nevertheless neglected to have their Lands admeasured and return thereof made into the Secretarys Office thereby eluding the payment of his Majestys Quit rents to the great lessening of His Majestys revenue.

I do therefore by and with the advice and consent of His Majestys Council direct and require all such persons, as are seated on Lands for which no Warr^{ts} have Issued to take out Warr^{ts} for their said Lands, on or before the 2^{d} day of February next answering otherwise they will lose the benefit of their Cultivation, and the said Lands will be deemed Vacant Land, and free for any other person to take up

And that all such persons as have taken out Warrants for their Land do return the same into the Sec^{rys} Office and apply to the Gov^{r} in Council

for patents in pursuance thereof by the said 2d day of February, Otherwise their Warrts will be deemed null and void and the Lands claimed thereby, in like manner free for any other person to take up.

By His Excys Command GAB JOHNSTON

God save the King

NATH RICE Secry

Upon reading this day a Petition fron the Inhabitants and others in and about Newtown on the N° Et branch of Cape Fear River praying that the said place may be made a Town by the name of with all such Liberties privileges and Imunities as His Excellency the Governor and this Honoble Board should be pleased to invest the same with and this Board taking the same into consideration doth hereby Establish the same a Town by the name of ———

Provided the Inhabitants thereof do within the space of two years from the Date hereof build and erect six Brick Houses in the principal Streets of forty feet long and thirty feet deep R. F. D. E. C.

At a Council held at the Council Chamber in Edenton the 22d day of March 1735

Present His Excellency Gabriel Johnston Esqr Governour &c

The Honorable { Will Smith Robt Halton } Esqrs Memrs of his
{ Nath Rice Eleazer Allen } Majestys Council

William Smith Esqr appeared before his Excellency the Govr in Council and took and subscribed the several Oaths by Law appointed to be taken for Qualification of Publick Officers as Chief Barron of His Majestys Court of Exchequer within this province as also the oath of Chief Baron

Eleazer Allen Esqr took and subscribed the several oaths by Law appointed to be taken for Qualification of Publick Officers as Recer General of this province as also the Oath for the due and faithful performance of his said office.

His Excellency the Governour was pleased to lay before the Board the necessity of appointing two assistant Barons to the Chief Baron and accordingly appointed William Forbes and James Innes Esqrs Assistant Barons to William Smith Esqr Chief Baron of the said Province who were unanimously approved of by the Council

Ordered that a Commission pass the seal constituting and appointed the said William Forbes and James Innes Esqr Assistant Barons to the said William Smith Esq

His Excellency the Governour was pleased to appoint Robert Halton Esq^{r} to be usher of His Majestys Court of Exchequer within this province who was unanimously approved of by the Council and Ordered that a Commission pass the Seal of the Province constituting and appointing the said Robert Halton Esq^{r} usher of His Majestys said Court of Exchequer.

His Excellency the Governour was pleased to appoint Robert Forster Gent Chief Remembrancer and Clerk of his Majestys Courts of Excheq^{r} within this Province who was unanimously approved of by this Board and ordered that a Commission to pass the Seal of the province constituting and appointing the said Robert Forster Chief Remembrancer and Clerk of the said Court of Exchequer

His Excellency the Governour was pleased to appoint the Court of Excheq^{r} to be opened and held at Newtown on the N^{o} E^{t} Branch of Cape Fear river on the 13 day of May next and to continue and adjourn from thence to place to place and from time to time as the Court shall think fit to the 13 of November following

His Excellency the Governour was pleased to Represent to the Board that it was highly necessary for the immediate expediting and carrying on his Majesty's Service that some Person be authorized and appointed to Execute the Office of Auditor and Surveyor of his Majestys Revenues arising within this Province untill the Aud^{r} General of America shall think proper to appoint a Deputy to Execute the same.

Thereupon His Excellency the Governour was pleased to appoint William Maxwell Esq^{r} to be Deputy Aud^{r} and Surveyor of His Majesty's Quit Rents and other Revenues within this province untill the Pleasure of the Auditor and Surveyor General of His Majestys Revenues of America be known therein who the Council unanimously approved of

Ordered that a Commission pass the Seal for the said Office accordingly

His Excellency the Governour was pleased to lay before the Board the great difficulty that would attend the Receipt of the arrearage of Quit Rents now due to his Majesty and particularly from the Inhabitants of the County of Albemarle within this province which could not be done by the Rec^{r} General alone because of the vast Extent of Ground between Currituck inlet and the head of Edgcombe precinct and in order to make the charge of the said receipt easy to His Majesty His Excellency the Governour thereupon proposed to the Council that two proper Persons be appointed Assistants to the said Rece^{r} General whose business should be to attend at the Court House in every precinct within the said County to receive the said arrearage of Rent and to give Receipts for the same

and for which they should be allowed £5 ℔ cent over and above what the Rec^{r} General is allowed by His Majesty for the General Receipt which this Board unanimously approved of

Thereupon His Excellency the Gov^{r} was pleased to appoint Robert Halton Esq^{r} and Robert Forster Gent assistants to Eleaz^{r} Allen Esq^{r} Rec^{r} General whom the Council unanimously approved of

Ordered that a Commission pass the Seal accordingly constituting and appointing the said Robert Halton and Robert Forster Assistants to the said Eleazer Allen Esq^{r}

His Excellency the Governour was pleased to appoint Nath^{l} Rice, Cullen Pollock and William Downing Esq^{rs} to be Assistant Justices of the General Court of this Province who the Council unanimously approved of

Ordered That a Commission pass the great Seal of this Province accordingly constituting and appointing the said Nath Rice, Cullen Pollock and William Downing Esq^{rs} Assistant Justices of the General Court

His Excellency the Governour was pleased to acquaint this Board that by his Majesty's Royal Instruction he is commanded to appoint two Courts of Oyer and Terminer on the second Tuesday in the Months of June and December yearly for preventing long imprisonments and as there has not hitherto been any Court of Oyer and Terminer held in the Southern parts of this province and because also His Majestys Service requiring the attendance of some of the members and officers of said Court in collecting and receiving the quit Rents the Governour was thereon pleased to appoint the said Court to be held at Newton on the N. E. branch of Cape Fear river on Tuesday the 13th day of May next

His Excellency the Governour was pleased to appoint Nath^{l} Rice and Eleazer Allen Esq^{rs} Assistant Judges of the Court of Oyer and Terminer and Ordered that a Commission pass the Seal for the same accordingly

His Excellency the Governour was pleased to acquaint this Board that he had lately visited the Tuskaroora Indian Town when the said Indians complained of several abuses committed by the white People living near them such as selling rum to their people in the Towns that they were prevented from hunting as usual—And also that they were very much imposed on by the People keeping Ferrys in this Province who exacted more from them for being carryed over than what was allowed by Law and very often refused carrying them at all

The Council thereon advised His Excellency to Issue his Proclamation regulating the above abuses R. FORSTER, D. C. E.

At a Council held at the Council Chamber in Edenton the 23d day of March 1734 [1735]

Present His Excellency Gabriel Johnston Esqr Governour &c

The Honorable { Will Smith, Nath Rice, Robt Halton, Eleaz Allen } Esqrs Members of His Majestys Council

His Excellency the Governour by and with the advice and consent of his Majestys Council doth order that a Commission pass the Seal of this province constituting and appointing Nath Rice, Robt Halton Eleazer Allen, Mathew Rowan, Roger Moore James Innes Edward Hyrne David Evans Thomas Clifford Joshua Gabriel Job How and John Swann Justices of the precincts of New Hanover to sit and hold a Court on the second Tuesday in March, June September and December annually

His Excellency the Governour by and with the advice and consent of his Majesty's Council doth order that a Commission pass the Seal of this Province constituting and appointing Edward Marsburn Charles Harrison James Foyle Abraham Mitchel, Nicholas Hunter Christopher Dudley, John Starkey Charles Jefferys —— Shubridge Thomas Fullwood Christian Heidleburgh Jos. Morgan Justices of the peace for the precinct of Onslow to sit and hold a Court on the first Tuesday in April July, October and January annually

His Excellency the Governour by and with the advice and consent of his Majestys Council doth order that a Commission pass the Seal of this province constituting and appointing Mathew Rowan William Forbes Samuel Woodward Cornelius Harnet John Davis Hugh Blaning John Dallison John Grange Joseph Clark John Clayton Ephraim Vernon and Griffith Jones Justices of the peace for the precinct of Bladen to sit and hold Court on the third Tuesday in March June September and December annually

His Excellency the Governour by and with the advice and consent of his Majestys Council doth order that a Commission pass the Seal of this province constituting and appointing Robert West James Castellaw George Winn John Bonde John Holbrook Peter West James Lockhart John Edwards, John Gray, Thomas Witmel Junr Thomas Hansford Rowland Williams Samuel Taylor Nicholas Fairless William Short Justices of the peace for the precinct of Bertie to sit and hold a Court on the Second Tuesdays in the months of May August November and February annually

His Excellency the Governour by and with the advice and consent of his Majesty's Council doth order that a Commission pass the Seal of this province constituting and appointing Robt Turner Dr Patrick Maule

Lemon Alderson Sesith Pilkington John Caldon Charles Odeon Thomas Tyson Abraham Pritchard Thomas Smith William Corbin Samuel Sinclair and William Barrow Justices of the peace for the precinct of Beaufort and Hyde to sit and hold Court on the second Tuesday in the months of June, September Dec. and March yearly

His Excellency the Governour by and with the advice and consent of his Majestys Council doth order that a Commission pass the Seal of this Province constituting and appointing Thomas Lovick Richard Rustal Joseph Bell Enoch Ward Richard Whitehouse Arthur Mabson James Salter, Joseph Calvert, Thos Dudley John Nelson —— Wilkins Thomas Austin Justices of the peace for the precinct of Carteret to sit and hold a Court on the first Tuesday in March, June September and December annually

His Excellency the Governour by and with the advice and consent of his Majestys Council doth order that a Commission pass the Seal of this Province constituting and appointing George Roberts William Hancock Thomas Masters John Bryan William Brice Adam Moore John Fonvielle Daniel Shines Joseph Hannis Simon Bright Nicholas Routlege and William Trapnal Justices of the peace for the precinct of Craven to sit and hold a Court on the third Tuesday in March June September and December annually.

His Excellency the Governour by and with the advice and consent of his Majestys Council doth order that a Commission pass the Seal of this province constituting and appinting E Porter John Montgomery Robert Foster Charles Webster Aaron Blanchard Thomas Garret John Sumner Charles King William Houghton Henderson Luten Abraham Hilliard William Hill Esq^{rs} Justices of the peace for the precinct of Chowan to sit and hold a Court on the third Thursday in the months of April July, October and January yearly.

His Excellency the Governour by and with the advice and consent of his Majestys Council doth order that a Commission pass the Seal of this province constituting and appointing Zebulon Clayton Richard Saunderson James Sumner Thos Doctan Jacob Chancey Joseph Sutton Nath^{l} Carruthers James Sitterson John Stepney Marmaduke Norfleet John Stephenson and Thos West Justices of the peace for the precinct of Pequimons to sit and hold a Court on the third Monday in the months of April July October and January yearly.

Ordered that a Commission pass the Seal constituting and appointing Cullen Pollock William Downing Samuel Spruil Stephen Lee Richard Lairy Jr Jno Swain Edward Smithwick William Gardener John Nairn Jn^{o} Worley Jr Samuel Wheatley William Wilson Justices of Tyrril

precinct to meet the first Tuesdays in March June September and December annually.

His Excellency the Governour by and with the advice and consent of his Majestys Council doth order that a Commission pass the Seal of this Province constituting and appointing John Solly David Bailey Gabriel Burnham Simon Bryan Rob^{t} Lowry Sen^{r} William Bryan Charles West Thomas Hunter Benjamin Alexander James George Oliver Salter and William Relf Esq^{rs} Justices of the peace for the precinct of Pasquotank to sit and hold a Court on the second Tuesdays in the months of April July October and January yearly

His Excellency the Governour by and with the advice and consent of his Majestys Council doth order that a Commission pass the Seal of this province constituting and appointing Isaac Davis John Man Thomas Lowther Lewis Jenkins Luke White Samuel Williams William Lowry and Henry Brag Esq^{rs} Justices of the peace for the precinct of Curratuck to sit and hold a Court on the first Tuesday in the months of April July October and January yearly R. F. D. C. E.

North Carolina—ss.

At a Council held at Newton on Cape Fear River the 13th day of May Anno Dom. 1735.

Present His Excellency Gabriel Johnston Esq^{r} Gov. &c

The Honorable { Will Smith Nath Rice Robert Halton } Esq^{rs} Members of his Majestys Council

His Excellency the Governour was pleased to signify to this Board That his Majesty had been pleased by one of his Just^{s} to grant the Sum of one hundred pounds proclamation money for holding each Court of Oyer and Terminer to be held within this Province and as the same had not been distributed among the officers of the said Court His Excellency was pleased in Council to distribute the said Salary amongst the Officers of the said Court in the following manner Viz^{t}

To the Chief Justice for each Court	£30
To the Attorney General	20
To the Clerk of the Crown	20
To the Provost Marshall for finding the Court with Dinners during their Setting and for finding the Grand Jury with a Dinner	30

Read the Petitions of Sundry Persons whose names are under written directed to His Excellency in Council setting forth that they had obtained Warrants from the late Governor Viz^{t}

Hugh Blaning 640 Acres Bladen, Ditto 640 Bladen, Cornelius Harnett 640 Bladen, Ditto 640 Bladen, Edward Lee 640 Bladen, John Dallison 640 Ditto

Which Warrants having been duly executed and returned into the Secretarys Office the said petitioners humbly pray patents for the said several and respective Tracts which his Excellency by and within the advice and Consent of his Majesty's Council was pleased to grant and thereupon tis Ordered that Patents issue accordingly.

At a Council held at Newton on the 14th of May 1735

Present His Excellency the Governour &c

The Honorable { Will Smith, Math Rowan, Robt Halton, Eleaz Allen, Edward Moseley } Esqrs Members of His Majestys Council

Read the petition of the following Persons setting forth that they obtained Warrants from the late Govr which have been duly executed and returned and Praying Patents for the same Vizt

Edward Moseley 200 N. Hanover, Do 575 Ditto, Do 600 Ditto, Cornelius Harnet 320 Ditto, William Norton 640 Bladen, Edward Moseley 250 N. Hanover

Ordered that patents issue accordingly

May the 15th 1735

Present His Excellency the Governour

The Honoble { Will Smith, Math Rowan, Nath Rice, Roger Moore, Robt Halton, Eleaz Allen, Edward Moseley } Esqrs Members of His Majestys Council

Read the Petitions of the following Persons setting forth that they obtained Warrants from the late Govr which have been duly executed and returned and praying Patents for the same vizt

Robt Halton 640 Bladen, Do 1200 Bladen, (Those granted the 19th), Ditto 640 Ditto, Thos Powers 640 N. Hanover, Cornelius Harnet 640 Bladen, Ditto

Ordered that Patents issue accordingly

Read the Petitions of James Espy praying a Warrant for 640 Acres of Land on Broad Water joining E. Allen's Plantation and shewing he had often applied to Govr Burrington for a Warrant for the said Land but could never obtain one Roger Moore objected against the said Espy having his Petition granted upon arguing of which at length twas agreed

by the parties and allowed by the Gov^{r} and Council that the said Espy should have a Warrant for 350 acres of the said Land including that part whereon he hath made improvements the rem^{r} to the said Roger Moore

His Excellency was pleased to propose the following question Viz^{t} Whether any Conveyance to another person of a title not legal shall take place of the Kings Warrant. Upon reading the above question it was agreed and Resolved That the Kings warrant shall for the future take place and have the preference of any Conveyance to another person of a Title not legal.

On a Motion to His Excellency the Gov^{r} in Council by Mr Attorney General in behalf of Jacob Shives setting forth that the said Shives obtained a Warrant from the late Gov^{r} for 100^{ac} of Land and that the same was regularly surveyed and returned into the Secretary's Office praying that a Patent issue agreeable to the said Warrant Mr Hodgson opposed the said motion setting forth that one John Brooks had erected a Grist Mill on part of the said Land before the said Shives obtained the said Warrant and it appearing to this Honble Board that he had often applyed for a Warrant before he built the said Mill It was considered and Ordered that the said Brooks have the said Mill with 2 Acres of Land laid out to him as by Law directed and that a Patent issue for the remainder to the said Shives.

Read the petition of John Clayton for a Patent for 600^{ac} surveyed by Warrant from the late Gov^{r} and returned Referred to the 16th

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May 16th

Present His Excellency.

The Honoble { Will Smith, E Moseley, Nath Rice, Math Rowan, Rob^{t} Halton, E Allen, R. Moore } Esq^{rs} Members of His Majestys Council

Read the petitions of following persons setting forth that they obtained Warrants from the late Governour which have been duly executed and returned and praying Patents for the same Viz^{t}

Sara Groves 640 N. Hanover, John Clayton 360 Bladen (This granted 19th), John Watson 640 N Hanover, Ben Hilliard 400 Bladen

Read the petitions of John Burnap and William Wells praying patents in consequence of Warrants obtained from the Governour when the said Warrants shall be returned being for 640^{ac} each one Ordered that patents issue according to the prayer of said petition

Read the Petition of Jno Clayton for 600^{ac} duely surveyed and returned by virtue of a Warrant from the late Gov^{r}

Read the Petition of Ralph Miller setting forth his possession and cultivation of part of the said Land

Ordered that a patent issue to the said Clayton as prayed He giving Security to convey the Improvements to the said Miller

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May the 19th 1735

Present His Excellency

The Honoble { Will Smith, Math Rowan, Nath Rice, E. Allen, R. Halton, Roger Moore, E. Moseley } Esqrs Members of His Majestys Council

Read the Petition of the Honoble Robert Halton Esqr shewing that he obtained a Warrant from the late Governour for 340 Acres which was duely executed and returned and praying a Patent for the same

Ordered that a Patent issue according to the said Warrant

Read the petition of Geo Gibbs praying a Patent for 640ac which Petition on the motion of Roger Moore is referred to Sept next

Read the Memorial of Jno Montgomery Esqr His Majestys Attorney General shewing that as he is to peruse and approve all patents before the same are Signed He therefore prays that his Excellency in Council do fix and settle a fee for him for the perusing and signing fiates for the passing all Lrs patents and Grants under the Great Seal of this Province. It is Ordered by his Excellency by and with the advice and consent of His Majestys Council that the said Attorney General shall have and receive the sum of 30s Currt Bills of this province for perusing and Fiat for each Grant of Land not exceeding 400ac and the sum of 50s for each Grant of above 400ac and no more

Read the Petition of John Smith setting forth that he had seated and planted part of a Tract of Land lying on the So side of the No W branch of Cape Fear River between the Lands of Richard Singletary and Thomas Brown and that one W. Bartram in order to injure and defraud and take the benefit of his Improvements on the said Land had obtained a Warrant for the same with intention to get a Patent in consequence thereof and praying a Warrant may be granted him for 640ac of Land and that a Grant or patent may issue to him thereon preferrable to any other Person according to the rules prescribed by this Board

This Board taking the subject matter of the said Petition into consideration and William Bartram therein mentioned appearing and acquainting this Board that he had a Warrant for 250ac part of the said Tract

It was thereon Ordered that if any of the Improvements of the said Smith do happen to fall within the lines of the said Bartrams Survey

made in pursuance of the said Warrant that then the Justices of the Court for the Prec^{t} wherein the said Land lies are required to appoint such persons as they shall think proper to value the said Improvements and he the said Bartram is hereby Ordered to pay and satisfy the said Smith for such Improvements according to the value thereon set by the Persons so appointed and that the rest of the said tract of 640^{ac} be admeasured and laid out to the said Smith

Read the Petitions of the following persons setting forth that they obtained Warrants from the late Governour which have been duly executed and returned and praying patents for the same Viz^{t}

Henry Hall 640^{ac} Bladen, Ann Martin 640 Ditto, Ann Vernon 320 N. Hanover, Jn^{o} Retter 200 Bladen, Richard Whitly 640 Bladen, M. Rowan 640 N. Hanover, Zulla Lucers 200 Ditto, Ephraim Vernon 280 Ditto, Mathew Rowan 291 Bladen, Jn^{o} Rowan 360 N. Hanover, Mat Rowan 320 N. Hanover, Eph Vernon 382 Ditto, Do 250 Bladen, M. Rowan 640 N. Hanover, Do 640 Ditto, Ann Vernon 320 N. Hanover, Hugh Blaning 170 Bladen, Fortune Holderbly 640 N. Hanover, Geo. Gibbs 640 N. Hanover, Mary Morris 600 N. Hanover, Rob^{t} Halton 340 N. Hanover, Ch. Dudley 500 Onslow, Jno Hodgeson 640 N. Hanover, Rob^{t} Halton 1200 Bladen, Tho^{s} Snowden 640 Bladen, Jno Retter 100 Ditto, Mat Rowan 320 N. Hanover, Do 360 Ditto, Rob^{t} Simpson 600 Onslow, Rob^{t} Halton 640 Bladen

Read the Petition of George Perry praying a Warrant for 640 acres of Land on the Beaverdam Creek joining Nath Moores and Joseph Clarks Lands in regard of his cultivation thereof and erection of a Saw Mill thereon Granted

Read the Petition of M. Rowan Esq^{r} shewing that he obtained Warrants from Geo^{e} Burrington One in the name of John White for 640^{ac} on Hoods Creek and one in the name of Al Boyd for 640^{ac} on the aforesaid Creek in trust for your Petitioner and for the support of a Saw Mill with two saws which Warrants were duly Executed and returned. Ordered that patents issue accordingly to the said Warrants to and for the use of the aforesaid Mill Mr Rowan declaring he took up the said Lands in conformity to an agreement between him and John Baptist Ash Esq^{r} since deceased.

At a Council held at Newton on Cape Fear River on the 13th day of August Anno Dom. 1735

Present His Excellency

The Honoble { N. Rice, M Rowan, R Halton, R. Moore } Esq^{rs} Members of His Majestys Council

His Excellency proposed to this Board to open the Land Office at the Several times and Places under mentioned and the said motion being approved and concurred with. Ordered. That Proclamations issue giving Notice that the Governor will sit in Council to hear and determine Claims relating to Land at Newbern on the 22^{d} day of September next ensuing and to the 29 of the same month at Bath on the 3^{d} of October foll. and to the 10th of the said Month and at Bertie Court House on the 15th and to the 22^{d} of the same Month and that all persons intending to apply for a hearing in the premises be required to affix advertisements of such their Intentions at the Court House of each respective Precinct to which they belong 3 weeks before such sitting.

His Excellency laying before this Board the Inconveniences arising from Warrants not being turned in a reasonable time into the Secretary's Office tis Ordered that henceforth all Warrants not returned into the said Office within seven months after the Date thereof shall be deemed absolutely null and void and as if they had never issued

His Excellency represented to this Board That he had received Information that several Persons holding Lands by Patent in this Province do possess great Quantities over and above what certain of their said respective and particular Patents do express and convey Ordered that the Surveyor General be directed to resurvey the said Lands and make his report to this Board by Christmas next viz^{t} the following tracts or parcells that is to say the Lands called the cowpen on the N^{o} E. River the Lands called the Lisbon tracts on the N^{o} West river the Lands on the N^{o} West river held by Jno and Jane Grange the Lands on Shallot river possessed by Edward Hyrne and the Lands in Trent river possessed by Cullen Pollock Esq^{r} and George Pollock the Heirs of the late Thos Pollock and Fredrick Jones

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At a Council held at ——— the 4th Sept Anno Domini 1735

Present His Excellency

The Honoble	Will Smith	M Rowan	Esq^{rs} Members of Council
	N. Rice	E. Moseley	
	R Halton	R. Moore	

His Excellency was pleased to lay a form of a patent before this Board which was approved by a Majority of His Majestys Council Tis therefore Ordered That all Grants to be made of his Majestys Lands within this Province be of the Form and tenor following Viz^{t}

George the Second by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c

To all to whom these presents shall come—Greeting

Know y^e^ that we for and in consideration of the rents and return therein reserved have given and granted and by these presents for us our Heirs and successors do give and grant unto a Tract of land containing Acres of land lying and being in the County of in our Province of North Carolina as by the plot hereunto annexed doth appear together with all woods waters Mines minerals Hereditaments and appurtenances to the said Lands belonging or appertaining (one half of all Gold and Silver mines excepted) to hold to him the said Heirs and assigns forever as of our Manner of East Greenwich in our County of Kent in free and Comon Sockage by Fealty only yielding and paying to us Our Heirs and Successors for ever the yearly rent of Four Shillings proclamation money for every hundred acres hereby granted to be paid to us our Heirs and successors on the second day of February in each Year at such places in our said Province as our Governour for the time being with the advice and consent of our Council shall think fit to direct and appoint provided always that in case the said Heirs and Assigns shall not within the space of three years after the date hereof clear and cultivate according to the proportion of three Acres for every hundred; and also that if a minute or Docket of these our Letters patent shall not be entered in the Office of our Auditor General for the time being in our said province within six months from the Date hereof that then and in either of the said cases these our Letters patents shall be void and of none effect In testimony whereof we have caused the Great Seal of our said province to be hereunto affixed Witness our trusty and well beloved Gabriel Johnston Esq^r^ Our Captain General and Governour in Chief at this day of in the Year of our reign Anno Domini

It having been represented to His Excellency the Governour that divers tracts of Land have formerly been surveyed by virtue of Warrants without the Surveyors being first sworn to the faithful Execution of his Duty in that behalf His Excellency by and with the advice and consent of his Majesty's Council was pleased to make the following order Viz^t^.

That all Surveyors who shall hereafter be appointed and directed to admeasure and lay out Lands by virtue and in pursuance of the Governours Warrant to the Surveyor General shall before any land be run out as aforesaid be duely sworn to the faithful Execut^n^ of his said Office and trust as also that the Chain Carriers be sworn in like manner.

His Excellency the Gov^{r} by and with the advice and consent of His Majestys Council was pleased to order that a Proclamation immediately issue requiring all persons in possession of Lands for which no Warrants have issued to take out Warrants for the said Land on or before the 2^{d} day of February next ensuing otherwise to lose the benefit of their cultivation and the said Land to be deemed vacant Land and free for any other Person to take up. And that all persons having Warrants do return the same to the Secretary's Office and apply for Patents by the said 2^{d} day of February otherwise their Warrants to be deemed null and void and the land in like manner free for any others to take up.

Read the Petition of the following Persons setting forth That they obtained Warrants from the late Gov^{r} which have been duly executed and returned and praying Patents for the same Viz^{t}

Thomas Fall for 200 Bladen, Ditto 200 Ditto, Thos Lock 190 Ditto

Ordered That patents issue accordingly

Read the Petition of Thomas Hall setting forth that he obtained His Excellency's Warrant for 560 Acres in Bladen which has been duely executed and returned and praying a Patent for the same

Ordered that a Patent issue accordingly

September 5th 1735

Present His Excellency

The Honoble { Will Smith, E Moseley, Math Rowan, Nath Rice, R. Moore } Esq^{rs} Members of Council

Read the Petitions of the following Persons setting forth That they obtained Warrants from the late Governour which have been duly executed and returned and praying Patents for the same Viz^{t}

George Gibbs 200 Bladen, Griffin Jones 350 Ditto, Griffin Jones 160 Bladen, Jno White 640 Bladen, Pet Evans 200 Bladen, Ev Ellis 450 Bladen, Thos Lock 190 Ditto, Do 196 Ditto, Grif Jones 350 Do, Do 350 Do, W^{m} Mason 400 Bladen, Jno Polhton 250 Do, Sara Lewis 160 Bladen, Step Brock 409 Do, Eph Vernon 657 Do

Ordered that Patents issue accordingly

Read the Petitions of the following Persons setting forth that they obtained Warrants from the late Governour which have been duely executed and returned and praying Patents for the Same viz^{t}

Jane Husbands 640 Bladen, Jos Waters 320 Ditto, Hugh Campbell 640 N. Hanover, Ed^{wd} Mitchell 640 Bladen, Tho^{s} Lock 640 Do, Geo Gibbs 320 N. Hanover, Nath Rice 640 Bladen, Do 640 Do, Edward

Jones 640 Bladen, Edw[d] Mitchel 640 Do, Jane Husbands 640 Do, Mary Vail 400 Do, Hugh Campbell 640 N. Hanover, Nath Rice 320 Bladen, Mich Blocker 640 Do, Jos Waters 200 Do

Ordered that Patents issue accordingly

September the 9[th] 1735

Present His Excellency

The Honoble	Will Smith	Math Rowan	Esq[rs] Members of His Majestys Council
	Nath Rice	E Moseley	
	Robt Halton	R Moore	

Read the petitions of the following Persons setting forth that they obtained Warrants from the late Governour which have been duely executed and returned and Praying Pat[s] for the same viz[t]

John Green 640 Bladen, W[m] Forbs 640 N. Hanover, St Holingsworth 640 Bladen, Jo Clark 640 Do, Do 640 Do, Robert Forster 640 Bladen, Jn[o] Montgomery 320 Do, Jno Hill 640 Bladen, Jno Montgomery 320 Do, M. Rowan 640 Do, W[m] Cane 320 N Hanover, W[m] Forbes 640 Do, Ja Campbell 640 Bladen M Rowan 600 Bladen, Jas Espy 640 Do, Rob[t] Forster 640 Bladen, Jno Green 640 Do, Jas Campbell 640 Do, W[m] Forbes 640 N. Hanover, Benfitz Randolph 640 Do, Jos. Clark 260 Do, Robt Forster 640 Bladen, Do 640 Do, Da Lewis 200 Do, Geo Gibbs 640 N. Hanover Jno Montgomery 320 Do.

Ordered that Patents issue accordingly

Read the Petitions of the following Persons setting forth that they have obtained Warrants from his Excellency which have been duely Executed and returned and praying Patents for the same Viz[t]

Jno Russ 360 Bladen, Jas Carver 640 Do, Chas Benbow 640 Do, Jno Linscomb 300 Do, M Rowan 176 Bladen, W Norton 700 Do, Tho[s] Freeman 400 Ditto, Hugh Blanning 320 Ditto, Geo Gibbs 640 Ditto, Ja Lyon 640 Ditto, W[m] Lord 640 Ditto, Richard Heller 2000 Bladen, Phil Wilkinson 400 Do, Mich Blocker 300 Do, Jno Hodgson 600 N Hanover, M Rowan 144 Bladen, Jas Carver & Cha[s] Benbour 640 Bladen, Rich[d] Richardson 640 Bladen, Jno Hodgson 600 N. Hanover, Jas Lyon 500 Bladen, Jno Hodgson 600 N. Hanover, Mathew Rowan 230 Do

Ordered that Patents issue accordingly

September the 10[th]

Present His Excellency

The Honorable	Will Smith	R Halton	Esq[rs] Members of His Majestys Council
	N. Rice	E. Moseley	
	M. Rowan	R. Moore	

Read the Petition of Clem^{t} Machons of the Island of Jersey in the Kingdom of Great Britain by his Attorney Joshua Gabourel Setting forth that some time ago Moses Machon arrived here in Cape Fear and purchased a certain tract of Land scituate on the N. W. Branch of this river and seated and cultivated the same and had a large stock of Cattle and Hogs thereon that some time afterwards the said Moses Machons business called him to N. England where he died intestate That thereupon Roger Moore Esq^{r} procured a Warr^{t} in his own name for the said Land he now praying a Patent for the same the said Joshua Gabourel in behalf of the aforesaid Clem^{t} Machon opposed the said Petition and on hearing the arguments on both sides it is the opinion of this Board that the property of the said Land be and is in the said Clem^{t} Machon Whereupon the said Gabourel prayed a Warr^{t} in the name and to the use of the above named Clem^{t} Machon which accordingly is Granted

Read the Petition of Jam Welch setting forth that he formerly obtained a Warrant for a tract of Land under the prop^{rs} opposite to the thoroughfare and had built and cleared thereon and praying a Patent for the same

Whereupon his Excellency was pleased to Order the Petit^{r} to prove the Allegations set forth in the said Petition which he failing to do it is the unanimous opinion of this Board that he has no right to the said Land and that Roger Moore Esq^{r} have a Grant or Patent for the said Land in consequence of a Warrant he the said Moore obtained from the late Gov^{r} Burrington

Read the Petitions of the following Persons setting forth that they obtained Warrants from the late Governour which have been duely executed and returned and praying Patents for the same Viz^{t}

Jos Sowl 640 Bladen, Ja Innes 640 Ditto, W^{m} Forbes 1000 N. Hanover, Jn^{o} Brook 400 Bladen, Jno Worth 640 Ditto, W^{m} Gray 108 N. Hanover, Jno Arthur 640 N Hanover, Ja Innes 640 Bladen, W^{m} Gray 350 Bladen, Jas Innes 320 Do, W^{m} Gray 350 Do, Jas Innes 320 Do, Ed Harrison 640 Do, Jas Innes 320 N Hanover, Do 640 Bladen, W^{m} Gray 350 Do.

Ordered that Patents issue accordingly

Read the petition of Geo: Perry and Giles Hicks setting forth that they obtained Warrants from his Excellency for 640^{ac} and 320 acres which have been duely executed and returned and praying Patents for the same

Ordered that Patents issue accordingly

September 11th

Present His Excellency

The Honoble { W. Smith, N. Rice, R Halton, M. Rowan, E Moseley, R. Moore } Esqrs Members of His Majestys Council

Read the Petition of Jno Calkings setting forth that one Baxter had sureptitiously obtained a Warrt for 640ac of Land part of the said Calkings Land which he had taken up in South Carolina before the Boundary Line was run it being designed then to belong to that Government but the same now falling within this Government he prays a Warrant for the said Land by him taken up as aforesaid Vizt 1100ac and that the said Baxter's Warrt be vacated

Ordered that a Warrant issue to the said Calking for the said 1100ac of Land and that the said Baxters Warrant be vacated and cancelled as prayed

Read the Petitions of the following Persons setting forth that they obtained Warrts from the late Govr which have been duely executed and returned and praying Patents for the same Vizt

Wm Bartram 400 Bladen, Jno Dallison 640 N. Hanover, Do 640 Ditto, Eliz Dallison 640 Ditto, Jno Watson 640 Bladen, Lewis Febuer 640 Bladen, Wm Flavel 640 Do, Henry Sistims 640 Do, Jer Bigfurd 320 N. Hanover

Ordered That Patents issue accordingly

On motion of the Attorney General in behalf of the Survr Genl setting forth that it will be impracticable for the said Survr to survey the several tracts of Land in New Hanover and Bladen Precincts ordered to be resurveyed without the Patents

Ordered that the Several Patentees of such Lands when thereto required do produce their several and respective Patents to the Surveyor Genl and if any Person fail in obedience to this order the said Surveyor General is hereby directed to inform His Majestys Attorney General of their refusal he is ordered to prosecute all and every person so refusing in His Majestys Court of Exchequer

Read the Petitions of the following Persons setting forth that they obtained Warrants from His Excellency which have been duely executed and returned and praying Patents for the same Vizt

Thos Assop 640 N Hanover, Andrew Soleyree 1808 Bladen, Cath Edwards 200 Do, Zebulon Clayton 300 Do, Richd French 1000 Do, John Davis 308 N. Hanover, St Holingsworth 250 Bladen, Zeb Clayton 700 Do, Henry Simmons 360 Do, Richd French 300 Do, Mich Dyer 320 N Hanover

Ordered that Patents issue Accordingly

September 13th

Present His Excellency

The Honoble { W. Smith, R. Halton, E. Moseley, R. Moore } Esqrs Members of His Majestys Council

Read the Petitions of the foll. Persons setting forth that they obtained Warrants from the late Govr which they have duely executed and returned and praying Patents for the same vizt

Thos Mathews 400 Bladen, Zebulon Clayton 250 Ditto, Roger Haymer 640 Ditto, Timothy Bloodworth 300 N. Hanover, Richd Hellier 200 Bladen, Jno Maultsly 300 Do, Do 320 Do, Richd Sanderson 250 Do, Do 750 Do, Do 500 Do, Jno Dallison 640 N. Hanover, Warren Bauldwin 100 Bladen, Jno Maultsly 300 Ditto, Rd Mullington 640 N Hanover, Roger Hayns 640 Bladen, Rd Sanderson 150 Do, Richd Hellier 200 Do, Jno Watson 640 N. Hanover, Jno Marshal 300 Do, Mary Harnet 640 Bladen

Ordered that Patents issue accordingly.

Read the Petitions of the following Persons setting forth that they obtained His Excellencys Warrant which have been duely executed and returned and praying Patents in Consequence thereof Vizt

Jas Hasel 400 N. Hanover, Do 320 Ditto, Rd Dun 150 Bladen, Jno Winning 350 Bladen, Do 350 Ditto, Rd Dun 150 Bladen, Do 320 Do, Wm Lord 640 Do, Moses Plumer 300 Do, Rd Dun 320 Bladen, Jno Dalzel 432 Ditto, Moses Plumer 250 Ditto, Wm Smith 1000 N Hanover, Wm Gray 500 Bladen, Benjm Sowle 320 Bladen, Do 320 Do, Moses Plumer 250 Do

Ordered that Patents issue accordingly

Read the Petition of Zebulon Clayton setting forth that he obtained his Excellency's Warrant for 700ac which have been duely executed and returned and praying a Patent for the same

Thos Lock appeared and acquainted this Board that he had seated and cultivated the said Land and therefore prayed a Warrant for the same and that the said Claytons Warrant be cancelled both which Petitions having been considered by the Board

It is Ordered that the said Zebulon Clayton have a Patent for the Land for the said Land He praying the said Thos Lock for his Improvements.

On motion of Roger Moore Esqr praying that Grants for certain tracts of Land which he alledges to belong to him that have passed the Council may be stopped from going out till he shall be heard thereon Vizt Jno Debzal 430ac on the N. W. river joining Land of Jno Montgomery, Moses Plumer 350 on the N. W. on Swann's Creek and 300ac

on the N. W. joining R^d^ Singletary's upper Line, Ben Sowl 300^ac^ on the N. W. above Swann's Creek, 320^ac^ on Hammond's Creek, Moses Plumers 250^ac^ opposite Swann's Creek, W^m^ Lord 640 on the N. W. joining W^m^ Hawksworths Land

Ordered that the said Patents lye in the Secretarys Office till the 20^th^ of January next.

Upon application of R^d^ Evans Ordered that Col Maurice Moore do forthwith get his Warrant executed for laying out to him a Plantation on Barnet's Creek to the end it may be known where Richard Evan's Survey is to begin he having a subsequent Warrant for Land on the said Creek.

Edward Moseley and Roger Moore Esq^rs^ desired the following papers might be read in Council which was accordingly read Viz^t^

His Majesty by his Royal Instruction to the late Gov^r^ Burrington having directed him not to grant to any person more than fifty Acres for every white or black man, woman or child of which the Grantees Family shall consist at the time the Grant shall be made

And His Majesty having given an Instruction to the Present Gov^r^ in the very same words Edward Moseley and Roger Moore Members of his Majesty's Council for this Province are of Opinion the same Instruct^n^ ought to be observed they move that before any Grant be signed Proof should be made of the No Persons in each grantees family so as to entitle him to the Quantity of Land mentioned in the Grant

They also humbly desire leave to enter in the Council Book this as their Protest^n^ against any Grant being signed other than such as shall be conformable to the Royal Instruction both with respect to the form of the Grant and the No of acres comprized therein.

His Excellency the Governour by and with the advice of his Majestys Council was pleased to allow the said Paper to be entered in the Journal of this Board but rejected the rest of the motion because he knows of no such Instruction directing not to Grant to any Person more than 50^ac^ for every white or black man woman or child of which the Grantees Family shall consist and in case such an Instruction had been it was the Duty of the Members who made this Motion to have done it before the Grants were Ordered in Council which would have saved a great charge to the Persons applying

Ordered that the arrears of his Majestys Quit Rents due in the County of Bath be collected in March next

His Excellency was pleased to adjourn the Council to the 22^d^ Instant to meet at Newbern

NORTH CAROLINA.

At a Council held at Newbern on Nuse River on the 24th day of September Anno Dom 1735

Present His Excellency the Governour

The Honoble { William Smith, Nath Rice } Esqrs Members of His Majestys Council

The Board adjourned till to-morrow morning 10 of the Clock

Thursday 25th September

Met according to Adjournment

Present as before

Read the Petition of Martin Frank setting forth That he obtained a Patent from the late Lords Proprietors for 10175 Acres of Land and paid the then Recer General £20.3.10 purchase money for the same but that the Date of the said Patent being since the Kings purchase of the Soil he apprehends the same to be invalid and therefore prays a Warrant for said Land or such part thereof as his Excellency the Governour shall think meet and that he may be permitted to surrender and give up his said Patent Whereupon his Excellency the Governour was pleased to ask the said Martin Frank whether by threats or persuasions he was induced to surrender the said Patent to which he answered in the Negative declaring that he voluntarily freely and of his own accord did surrender and give up the said Patent which accordingly was surrendered and given up and Ordered to be lodged in the Secretary's Office

Then the said Martin Frank made oath on the Holy Evangelists of whom and before what means he purchased the said Patent

His Excellency the Govr by and with the advice and consent of His Majesty's Council was pleased to order that Warrants issue to the Surveyor General to admeasure and lay out to Martin Frank 500 Acres of Land in two several places

Read the Petition of Col William Wilson setting forth that he was Erecting a saw mill on a branch of Brice's Creek therefore prays a Warrant for 300ac of Land for the Support of the said Mill Whereupon the said William Brice appeared and prayed the said Petition might be rejected for that the Land Petitioned for by said Wilson was his and that he had several Barrels of Turpentine, pitch and tar upon the said Land to which twas answered that the Land on which said Brice had made turpentine &c as aforesaid was not the 300ac petitioned for as above by Col Wilson but a tract of 340ac adjoining to the 300ac

Whereupon His Excellency the Govr by and with the advice and consent of His Majestys Council was pleased to order a Warrt to issue as prayed by said Wilson he permitting the said Brice to remove his tur-

pentine &c if any happen to be on the said Wilson's Land provided he the said Brice takes up the forementioned 340 acres of Land

The following Petitions were this day preferred and read setting forth that they the Petitioners had obtained Warrants from the late Governour Burrington which having been duely executed and returned they praying Patents for the same which were accordingly granted Viz^{t}

Francis Dawson 200^{ac} Craven, Jacob Sheets 640 do, Joseph Parry 537 Onslow, William Wilson 1300^{ac} Craven, Thos Lovick & Fras Thorton 640 Carteret, Edw^{d} Sowle 517 Onslow

Adjourned till tomorrow 10 of the Clock

Fryday the 26th of September 1735

Met according to adjournment

Present as before

Read the Petition of Mathew Reasonover setting forth that he obtained the Governours Warrant for 176 Acres of Land on the So side of Trent river which having been surveyed and returned into the Secretary's Office prays a Patent be Granted and Ordered that a Patent issue accordingly

Read the Petition of Martin Frank setting forth that he had the late Gov^{r} Burrington's Warr^{t} for 400^{ac} of Land in Craven Precinct which has been duely surveyed and returned prays a Patent

Ordered that Patents issue accordingly

Adjourned till to morrow 10 of the Clock

Saturday 27th September 1735

Met according to adjournment

Present His Excellency the Governour

The Honble { William Smith, Nath Rice } Esq^{rs} Members of His Majestys Council

John Slocum appeared at this Board and declared he obtained a Patent from the late Secretary Richard Everard dated in the year $17\frac{24}{30}$ and pray leave to surrender the same which is Granted.

Ordered that the said Slocum deliver said Patent into the Secretary's Office

Read the Petition of Jno Fonville Esq^{r} setting forth that he purchased three several patents for Land on Nuse River and that one Capt Joseph Hanine have also two several Patents interferring (as he conceives) with your Petitioners Patents

Therefore prays a resurvey be made of the said Lands so that the Boundarys may be ascertained according to the Courses of each Patent

Ordered that the Surveyor General do resurvey the Lands mentioned in the said Petition and that he make report to this board of his doings therein.

The following Petitions were this day Preferred and Read directed to His Excellency the Governour in Council setting forth that they the said Petitioners had obtained Warrants from the late Governour Burrington Viz^{t}

George Roberts 461 Craven, Jas Green 578 D^{o}, George Roberts 553 Craven, Tho^{s} Hogg 316 Craven, John Murphy 627 D^{o}

And the said Warrants being Surveyed and returned into the Secretarys Office they the Petitioners pray Patents for the same. Granted.

Then this Board adjourned till Monday Morning

Monday 29th September 1735

Read the Petition of Martin Franks setting forth that he is possessed of a tract of Land on the North side of Trent river joyning Tho^{s} Pollocks Land by virtue of an old Patent for 640^{ac} of Land and being apprehensive that more Land is contained within the said Tract than the compliment. He therefore prays a resurvey of the said Land and in case there should be found a surplusage he prays a Warrant for the same being willing to pay his Majesty the Quit rents from the time of his Purchase of this province which by the advice and consent of His Majestys Council His Excellency was pleased to Grant.

Ordered That the Surveyor General be and is hereby directed to resurvey the aforesaid Lands and that he make report of his doings therein to this Board

Read the following petitions setting forth that they the Petitioners by virtue of the late Governour Burrington's Warrant Viz^{t}

Rob^{t} Jones Craven 640
Alex Steel Craven 440 } in Peter Pitmans name

had surveyed the said Lands and a return thereof is lodged in the Secretarys Office they therefore pray Grants or patents

Ordered that Patents issue accordingly

Read the Petition of Christian Slaubaugh setting forth that he obtained a Warrant to survey 212 Acres of Land in Craven precinct which was duely surveyed and returned into the Secretary's Office He prays a Patent which is Granted

Ordered that a Patent issue accordingly

Read the petition of Jno Letcher Miller setting forth that he obtained a Warrant to survey 613 Acres of Land in Craven that the same was duely survey and returned into the Secretarys Office therefore prays a Patent Granted

Ordered that a patent issue accordingly

At a Council held at Bath Town Fryday the third day of October 1735.

Present His Excellency the Governor

The Honoble { Will Smith, Nath Rice } Esq^rs Members of His Majestys Council

Adjourned till to morrow 10 Oclock

Saturday 4^th October 1735

Met according to adjournment

Present as before

Read the Petition of Benjamin Peyton praying that a Patent be Granted him for 640^ac of Land in Beaufort Precinct on the S^o side of Pamplico River on the W^t side of S^o of dividing Creek

D^r Pat Maule appeared at this Board and prayed he might be heard thereon before said Petition should be Granted

Ordered that it lye over till November next

Read the Petition of William Webster setting forth that he obtained a Warrant from Charles Eden Esq^r for 565 Acres of Land on South dividing Creek of pamplico River and that he had purchased one of the late Proprietor's Patents for the said Land which he prayed leave to surrender and that he might have a Warrant for said Land which is accordingly Granted

Ordered that on the said Webster's Surrender of the said Patent and the return of the Warrant this day Granted he have a Patent for the same

William Webster came before this Board and surrendered the abovementioned Patent Whereupon His Excellency the Governour Interrogated him thereon whether by threats or perswasion he was induced to give up his patent to which he answered that he freely willingly and of his own accord surrendered and gave up the same.

The following Petitions were this day preferred and read setting forth that they the said Petitioners had obtained Warrants from the late Governour Burrington Viz^t

Simon Bright 546 Craven, Jno. Garzie 1280 Beaufort, Jas Campaine 420 D^o, W^m Stevens 640 Edgcombe, W^m Wallace 640 Beaufort, Isaac Buck 440 Craven, Rob^t Turner 640 Beaufort, Jas Adams 100 D^o, Saml Slade 600 D^o, Mich Neal 640 Edgcombe, Rob^t Campaine 640 Beaufort, Josias Little 500 D^o, Benj Peyton 640 D^o, Rob^t Turner 640 D^o, Jos Adams (180 ret^d) 185 D^o, Rob^t Campaine 640 D^o, Thos Little 640 Edgcombe, Joseph Barrow 300 Hyde, W^m Martin 400 Beaufort, Benj Peyton 640 D^o

The said Warrants being returned into the Secretary's Office they pray Grants for the same.

Ordered that Patents issue accordingly

Read the Petition of Robert Peyton Sen^{r} praying a Patent in Consequence of Warrants obtained from the late Governour Burrington for 1190 Acres of Land

Robert Turner appeared at this Board and acquainted his Excellency that said Peytons survey was contrary to His Majesty's Royal Instruction for running out of Lands

Ordered that said Peytons Land be resurveyed and that two platts be made thereof and produced to this Board

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At a Council held at the Court House in Bertie Precinct on Wednesday 15th day of October 1735

Present His Excellency the Governour

The Honoble { Will Smith, Nath Rice } Esq^{rs} Members of His Majestys Council

The Honoble Board met pursuant to His Excellencys Proclamation and adjourned till tomorrow morning 10 of the clock

Thursday 16th day of October 1735

The following Petitions were preferred and read setting forth that they the said Petitioners obtained Warrants from the late Governour Burrington Viz^{t}

Will Badham 600 Bertie, Jas Thompson 640 Beaufort, Jas Thompson 200 Edgcombe, Jas Thompson 300 Edgcombe, Jno Boyd 250 D^{o}, George Norril 430 Bertie

Which having been surveyed and returned into the Secretarys Office they pray Patents pursuant thereto

Ordered that Patents issue accordingly

Read the Petition of Jno Fitzgerald praying a Warrant for five hundred acres of Land on the N^{o} side of Fishing Creek on which John Boyd producing a Warrant of the late Governour Burrington for said Land surveyed.

Ordered that a Patent issue in the said Boyds name

James Jones his Petition was Read setting forth that he had the late Gov^{rs} Warrant for 640 acres of Land which was surveyed and returned Rob^{t} Forster Gent^{n} alledged that said Warrant was in trust for him upon which his Excellency was pleased to Interrogate the said Jones who confessed the truth of said Forsters Allegation

Ordered that a Patent issue in said Forsters name

Read the Petition of William Badham setting Forth that Jno Miller obtained from the late Governour a Warrant for 631 Acres of Land which said Warrant the aforesaid Miller assigned and sett over to the said Badham the said Warrant has been duely Surveyed and returned into the Secretarys Office he the said Badham having assigned his right thereto to Jno Speir prays a patent may issue in his the said Speirs name. Granted

Ordered that a patent issue in said John Speirs name accordingly

Read the Petition of Colonel Alston setting forth that he purchased rights and had a Warrant for 250 Acres of Land and surveyed and returned the same and prayed a Patent the Rev^{d} Jno Boyd produced to the Board a Warrant of a prior date surveyed &c Whereupon his Excellency by and with &c Ordered that a Patent issue in the said Boyd's name

Then the Board adjourned till tomorrow

Fryday 17th October 1735

The Board met according to adjournment

Present as before

Read the following Petitions setting forth that they the said Petitioners obtained Warrants from the late Governour Viz^{t}

James Kirby 200 Edgcomb, Aaron Hasel 286 Bertie, D^{o} 350 D^{o}, D^{o} 390 D^{o}, Francis Young 613 Edgcombe, Robert West 300 D^{o}, Henry West 640 Edgcombe, D^{o} 640 D^{o}, Epaphro Moore 490 Bertie, Edw^{d} Simmons 640 Edgcombe, John Cotton 340 Bertie

Which Warrants having been surveyed and returned into the Secretarys Office they the said Petitioners pray patents thereon

Ordered that Patents issue accordingly

Read the Petition of the Inhabitants of Tar River setting forth that they are 20 families in number

That Simon Jeffries Deced obtained in his own and in his Son Osborns name three Patents for 1000 Acres of Land on said River the Warrants for which have been so run out as to take in 15 miles on the said River

That the Orphan of one Boyd hath a purchase Patent for 7000 Acres of Land beginning on Town Creek which will take in most of their Settlements

That one of the Pollocks has purchased patents for 5 Surveys and Town Creek and several others lay claim thereto thō they never made any settlements.

That your Petitioners have been at great charge in cultivating and improving the aforesaid Lands and have the late Governor Burringtons Warrants for the Lands whereon they have settled

Therefore must humbly pray that the aforesaid Jeffrys' Land and the Lands held by Purchase Patents be resurveyed

Whereupon His Excellency the Governour by and with the advice of his Majestys Council was pleased to order that Mr Attorney General doth forthwith Enter a Prosecution against the several patentees mentioned in the aforesaid Petition in his Majesty's Court of Exchequer.

Then the Board adjourned till tomorrow 9 of the Clock in the forenoon.

Saturday the 18th October 1735
Met according to adjournment
Present as before

North Carolina.

At a Council held at the Council Chamber in Edenton November the 3rd 1735

Present His Excellency Gabriel Johnston Esqr Govr

The Honoble { Will Smith, E Moseley, Nath Rice, R Moore, E. Porter } Esqrs Members of His Majestys Council

A Message from the Representatives praying that His Excellency would appoint some person to qualify them. His Excellency accordingly appointed Edward Moseley and Roger Moore Esqrs to qualify the said Representatives

His Excellency the Governour was pleased to recommend to the Board the settling of the Exchange between Sterling and the currency of this Province for the Direction of the Receiver General and his Assists in receiving the Arrearage of His Majestys Quit Rents now due which was accordingly done at seven for one to be paid by all persons paying Bills of Credit of this Province for their Quit Rents instead of Sterling Money.

At a Council held the 5th November 1735

Present His Excellency the Governour

The Honoble { Will Smith, E Moseley, Nath Rice, R Moore, E Porter } Esqrs Members of His Majestys Council

Read the Petition of Robert Braswel praying a Patent may be granted him for 150 Acres of Land in Craven lying on the So side of Urakaw Swamp and is surveyed and returned into the Secretary's Office which is Granted the said Braswel giving first publick Notice by affixing an Advertisement at the Court House Door in the Precinct where the Land lyes three weeks before the Patent Issues

Read the following Petitions directed to His Excellency the Governour in Council setting forth that they obtained Warrants from the late Governour Burrington Viz^{t}

Francis Parker 640 on S^{o} side Fishing Creek, Davie Hopper 640 on Kehukee Swamp, W^{m} Merrit 100 on the N^{o} Side of Kehukee Swamp, Jno Starky 400 on E^{t} side White Oak River, Robert Turner 115 on S^{o} Dividing Creeks, Simon Parker 300 on N^{o} side of Swifts Creek, Francis Parker Jun 300 on S^{o} side Morrattock river, Jno Benlow Edg. 450 on Buck Medow assigned to Benj Foreman

Which were surveyed and returned into the Secretarys Office and hath advertised the same pursuant to the Rules prescribed and Prayed Patents may be granted them for the same

His Excellency the Governour was thereupon pleased in Council to order that the above Patents issue as prayed for

Upon Petition of Martin Lyon praying to have Patents granted him on two several tracts of Land each containing 640 Acres lying in Bertie Precinct which are Surveyed and returned into the Secretarys Office His Excellency the Governour was pleased to order that Patents issue for the said Lyon he first giving Notice in the Precinct where the Land lyes three weeks before the Patents issue

Upon Petition of William Kellingsnor Praying to have Patents granted him on two tracts of Land lying on the S^{o} side of Morattock River surveyed and returned into the Secretary Office His Excellency the Governour was thereupon pleased to order that Patents issue to the said Kelingsworths for the said two tracts he first advertising the same pursuant to the Rules prescribed

Upon Petition of Seth Pelkington praying that Patents may be granted him on two several tracts of Land Viz^{t} 320^{ac} lying on the S^{o} side of Pamplico river and 640 Acres on the N^{o} side of Pamplico River adjoyning the Plantation whereon he now lives both which Tracts are surveyed and returned into the Secretarys Office His Excellency the Governour was thereupon pleased to order that Patents issue to the said Pelkington as prayed for he first advertising the said pursuant to the rules prescribed

Upon Petition of Francis Pugh praying patents may be granted him for two tracts of Land Viz^{t} 640 Acres of Land on the head of Grindel Creek and 300 Acres more on the aforesaid Creek which are surveyed and returned into the Secretarys Office His Excellency the Governour was thereupon pleased to order that Patents issue as prayed for to the said Pugh he first advertising the same pursuant to the rules prescribed

Upon Petition of Jno Mills praying a Patent may be granted him for 320^{ac} of Land in Beaufort whereon he now dwells being surveyed and returned into the Secretarys Office His Excellency the Governour was thereupon pleased to order a Patent to issue as prayed for the said Mills first advertising the same pursuant to the rules prescribed

Upon Petition of George Downing praying a Patent may be granted him for 640 Acres of Land lying in Bertie Precinct joyning on William Bresswell and Richard Sumners Line which is surveyed and returned into the Secretary's Office His Excellency the Governour was thereupon pleased to order a Patent to issue as prayed for the said Downing first advertising the said Land pursuant to the rules prescribed

Upon petition of James Rigney shewing that he purchased the right title and claim of Tho^{s} Rigney who obtained a War^{t} for 500^{ac} of Land lying in Beaufort on the N^{o} side of grindals Creek which is surveyed and returned into the Secretarys Office praying a Patent may be granted to him in his name for the same. His Excellency the Governour was thereupon pleased to order a Patent to issue in the Pet^{rs} name for the said Land provided the said survey did not come within the Lines of a Survey this day granted to Mr Francis Pugh.

Read the Petition of Thomas Corprew and referred to the 20th Instant and Ordered that the Rever^{d} Doc^{r} Garcia and Mr Robert Boyd be summoned to appear on the said day

Read the Petition of Thomas Bonner and referred to the 20th Inst and Ordered that —— Wallis be summoned to appear on the said day.

Council 11th November 1735

Present His Excellency the Governor

The Honoble { Will Smith, Nath Rice } Esq^{rs} Members of His Majestys Council

Upon Petition of John Nairn setting forth That he has a Patent for 640^{ac} on Murrattock River some of the Courses of which were omitted praying a resurvey And that he obtained of S^{r} Richard Everard a War^{t} for 200^{ac} in Bertie adjoyning thereto which has been executed and returned and therefore prays a Patent &c

It is ordered that J Nairn have a Warr^{t} for said Lands and that the same be surveyed agreeable to the survey made by Jno Gray in 1720 and not according to said Nairn's patent and that so much of Robert Radfords Warrant Dated 15 of Dec^{r} 1732 which takes in any part of the said Nairns Land in the aforesaid plott be vacated and that a patent issue to the said Nairn for the said 200^{ac} as prayed for

Mr Surveyor General Wardroper in pursuance of an Order of this Board passed the 28th day of March last for surveying of a tract of Land known by the name of Kaldonia belonging to the Estate of Colo Maule deceased now appeared at the Board and made a return of said plot and the parties concerned appearing and the matter being fully heard it is the opinion of this Board that the same doth not lye before them.

At a Council the 13th day of November 1735

Present His Excellency the Governor

The Honoble { Will Smith, Edmd Porter, Nath Rice, Edward Moseley } Esqrs Members of His Majestys Council

His Excellency the Governour was pleased to acquaint this Board that the power Granted to the Court of Exchequer to adjourn from place to place and from time to time was this day expired and as there were several Bills in that Court now depending His Excellency the Governour was pleased to continue the said Court with Power to adjourn from time to time and from place to place to the 25th day of December next which the Honoble the Council were pleased to assent to.

Upon Petition of William Carruthers praying Patents may be Granted him for two several tracts of land lying on the No side of Nuce river in Beaufort Prect. which are surveyed and returned into the Secretary's Office and hath advertised the same His Excellency the Governour was thereupon pleased to order patents to issue as prayed for

Read the Petition of Aaron Tyson Planter shewing that his Father in the year 1710 Warranted surveyed and returned into the Secretarys Office 1150 Acres of Land in Hyde lying on the East side of Matchapungo River which is well improved and cultivated but that soon after the survey was made, His Father in Defence of the Country was killed by the Indians, and no Patent was then taken out for the same he being an Orphan, but has by his Guardian paid Quit Rents for the same, whenever they were demanded, and he being now of full Age, prays a Patent may be granted him for the same.

Ordered that a Patent be granted to the said Aaron Tyson provided the survey thereof can be found in the Secretarys Office

Upon Petition of Edmond Peirce praying a Patent may be granted him on Warrants from the late Governour Vizt 400ac Beaufort on Swift's Creek joining to Dr Maule and 100ac back of the Land he lives on which are surveyed and returned into the Secretarys Office

Ordered that Patents issue as prayed after due advertisement

Upon Petition of Pasco Bartlet shewing that about Eighteen years ago he purchased of Jno Bathurst 140ac of Land lying in Beaufort on

the E^{t} side of the N° Dividing Creeks of Pamplico river which was Warranted in Gov^{r} Eden's time and surveyed and returned into the Secretary's Office by Mr Patrick Maule Dep^{y} Sur. and that he has cultivated and improved the said Land from the time of the said Purchase till now and prays a Patent for the same

Ordered that a Patent issue as prayed for provided the Warrant is returned into the Secretarys Office and that the Land be duly advertised

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At a Council held the 20th of November 1735

Present His Excellency

The Honoble { Mr Chief Justice, Mr Secretary } Esq^{rs} Members of His Majestys Council

Read the petition of Thomas Corprew complaining that the Rever^{d} Mr Gazzia had run out land belonging to him at pamplico and both being present and the matter fully discussed

Ordered that the said Petition be rejected

Ordered that the surveyor General cause a Resurvey to be made on the Lands claimed by R. Moore lying between Cap^{t} Innes and Shalands called Shutes over against the Indian Walls on the N° E^{t} side of the N° W^{t} river of Cape Fear a return thereof made to his Excellency in Council on or before the 25 of March next.

Ordered That the Surveyor General cause a resurvey to be made on the Land claimed by Zebulon Clayton lying on the N° E^{t} side of the N° W^{t} branch of Cape Fear river joyning Shutes Land on the lower side and Richard Hilliard on the upper side

Ordered that the Surveyor General cause a Resurvey to be made of the Lands belonging to Cullen Pollock Esq^{r} and Mr George Pollock and the Heirs of Thos Pollock Esq Deced lying on Nuce River and a report thereof to make to this Board on or before the 25th day of March next

Ordered that the surveyor General have copies from the Secretarys Office of all such patents as he hath directions to resurvey.

Ordered that the Surveyor General signify to his several Deputys within this Province that they do not at their Peril for the future execute any Warrant for land of a Prior date to the 13th August last after the 13 of February next all such Warrants being by Order of the Governor in Council and that for the time to come no Warrant be surveyed if not put into the Deputy Surveyors hands within 7 months after their date and likewise that he acquaint his Deputy that they do not survey any Land for the future without first swearing the Chain Carriers agreeable to a late order made by His Excellency the Governour in Council

Tho^{s} Bonners Petition Read and referred to the 10th of Dece^{r} next.

At a Council held at Edenton the 29th of November 1735

Present His Excellency the Governour

The Honoble { Will Smith, E. Porter, Nath Rice, E. Allen, Robt Halton } Esqrs Members of His Majestys Council

His Excellency the Governour ordered the minutes of Council from the 24th September to the 20 Instant to be read there having been but 2 Members present at the Councils held within that time vizt at New Bern Bath and Bertie some of the rest being then upon Publick business elsewhere and others indisposed the said minutes being accordingly read the Members now present for their Opinion they all consented and ordered the same to be entered in the Council Journal

In order to the forming just rent roll His Excellency proposed that for the future before any Patents issue out of the Secretarys Office every Grantee should make Oath before the Secretary how long he has been in Possession of the Land mentioned in said Grant either by cultivation or by Warrant and that Copys of the said Oath to the Recer General and Auditor to which this Honoble Board assented

Whereas by an Order passed the 13 inst the Court of Exchequer had only power of adjourning from time to time and from place to place untill the 25th day of December next His Excellency the Governor was pleased further to continue the said Court with power of adjourning from time to time and from place to place untill Lady Day 1737 which the Council unanimously approved of

Read the following Petitions Vizt

Saml Woodward 1000 Craven, Sam Johnston 1000 Do, William Gray 2000 Craven, Jas Trotter 1000 Do

Setting forth that they have Warrants granted them in Council for the said Land which are surveyed and returned into the Secretarys Office praying patents may be granted them for the same

Ordered that patents issue accordingly

Ordered that in pursuance of a royal Instruction for Erecting two Courts of Oyer and Terminer yearly a Commission issue to hold the said Court at Edenton the second Tuesday in December next Directed to the Honoble Wm Smith Esqr Chief Justice Mr Secretary Rice, Colo Porter and Wm Downing Esqr

His Excellency the Governour informed this Board that he had lately recd a letter from Mr Dobbs and some other Gentlemen of Distinction in Ireland and Mr Henry McCulloh Mercht in London representing their intention of sending over to this Province several poor Protestant Familys with design of raising Flax and Hemp that the said Gentleman had

appointed Cap^{t} Woodward as their Attor^{y} who had been at a considerable Expence in finding out a large body of Land and now applied for a Grant of 60.000 acres for that purpose on Black River in N. Hanover Precinct being ready to give Security for the payment of His Majesty's Quit Rents for the said Land as the same shall become due and the Governour declaring his intention of Granting the said Lands to the said Mr Dobbs &c after the same was surveyed and returned into the Secretarys office the Council unanimously approved thereof.

Mr Surveyor General having applied for a Copy of the patents belonging to Roger Moore Esq^{r} commonly called the Cowpen which he could not find under the name of the Cowpen

Ordered that he have a Copy of the said Moores Patents for 5000 acres.

At a Council held at the Council Chamber in Edenton the 9th day of December 1735.

Present His Excellency

The Honoble { Will Smith, Nath Rice, Eleaz Allen, Edm Porter } Esq^{rs} Members of His Majestys Council

His Excellency the Governour acquainting this Board that the Present General Assembly stood prorogued to Tuesday the 20th of January next and having no matter of Publick concern to lay before them he was pleased to declare the said Assembly Dissolved which the Council unanimously approved of.

Ordered that a Proclamation issue accordingly

Read the following Petitions for Patents Viz^{t}

Robert Potter 200 N. Hanover, D^{o} 135 D^{o}, William Lewis 640 N. Hanover, Ditto 320 Ditto

Read the Petition of Co^{l} Thos Hunter and Rebecca his wife setting forth that they as next of kin to Sarah Swann lately deceased are entitled to the administration of her estate which has nevertheless been surreptitiously obtained by Samuel Swann of Perquimons therefore humbly prays the L^{rs} to him granted may be revoked and that such Commission be directed to them agreeable to Law and that citation issue to the said Swann to shew cause &c Ordered that a citation issue to the said Swann to appear before this Board the 16th day of December and that Col Hunter do also then attend.

His Excellency the Governour acquainting this Board that he had Received Informations from many of the Principal Inhabitants of the Province that small crops of corn and wheat are made this year by reason of the Great Floods of Rain that fell last summer there's like to be a

great scarcity of wheat and Indian corn if any grain should be suffered to be exported out of any of the ports of this province

His Excellency thereupon with the advice and consent of his Majesty's Council doth hereby Prohibit any wheat or Indian corn to be exported out of or from any Port or District within this province of which all Officers of His Majestys Customs are directed to take notice.

Ordered that a Proclamation issue accordingly

Whereas there is no Fee established for registring of patents or Grants of Land in the Office of His Majestys Auditor General and it being proper and necessary that the same should be appointed and ascertained His Excellency was pleased to order by and with the advice and consent of His Majesty's Council That for every Patent or Grant of Land registered or entered in the Auditors Office He shall have and receive of the person registering the same the sum of three pounds Current Bills of the province.

Whereas it was the opinion of this Board upon His Excellency's signifying his Intention on the 29th past of granting a certain Quantity of Land to several Gentlemen in England and Ireland for the Settlement of some Irish Families intended to be imported into this Government they giving security for the payment of His Majestys quit rents.

It is further the unanimous opinion of this Board that in case any overtures or proposals of the like nature should be made to His Excellency in the Intervals of Councils, It will be highly proper for His Excellency to grant to any person making such applications and proposal such further Quantity of Land as may be requisite for the numbers intended to be imported the same tendering so much for the advancement of His Majestys Revenue and the Improvement of the Province

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At a Council held at the Council Chamber in Edenton the 16th day of December 1735.

Present His Excellency.

The Honoble { Will Smith, Nath Rice, E. Allen } Esqrs Memrs of His Majestys Council

Read the Petition of Colo Bonner setting forth that he had purchased of the Chowan Indians a certain tract or parcell of Land lying and being in the said precinct and praying that the same might be confirmed

There was produced a Deed of Sale from the said nation to the said Bonner which was read and the Indians being Interrogated thereon declared they had received the consideration money therein mentioned and were therewith fully satisfied

Whereupon His Excellency by and with the advice and consent of this Board was pleased to allow and approve of the said Sale to Col Henry Bonner

Read sundry Petitions for Patents in consequence of Warrants that have been surveyed and returned into the Secretarys Office as follows Viz^{t}

Robt Potter 200^{ac} N. Hanover, Do 175 D^{o}, Jn^{o} Blount 640 Beaufort, Rich^{d} Peirce 400 Perquimons, D^{o} 180 D^{o}, Arthur Mabson 640 Carteret, Ben Hill 500 Edgcomb, William Lewis 640 N. Hanover, D^{o} 320 D^{o}, Churchill Caldom 640 Beaufort, Churchill Caldom 640 Beaufort, D^{o} D^{o} 640 D^{o}, John Caldom 640 D^{o}, Jacob Blount 500 D^{o}, W^{m} Gray 640 N. Hanover, Jno Pratt 640 Edgcombe, D^{o} 300 D^{o}, Ben Hill 500 Edgcombe, John Gray 400 D^{o}, Jno Snowd 640 Beaufort, D^{o} 640 D^{o}

Which were accordingly Granted

NOTE.—The Patents to Potter and Lewis should not be here, having been granted the 9th of this month, recd. in the Minutes of that day.

NOTE.—The 400 here to J. Gray were afterwards included in another patent for 640.

Personally appeared Saml Swann of Perquimans and Col^{o} Hunter by his Attorney and the Board taking into their Consideration the said Hunter's petition read the 9th instant in relation to the Commission of —— lately Granted to Saml Swann they are of opinion the said Swanns suggestions and pretensions are false and without foundation and that the same of right belongeth to the said Hunter which is therefore accordingly Granted.

[B. P. R. O. AM: & W. IND: VOLS. 23 AND 25.]

LEGISLATIVE JOURNALS.

NORTH CAROLINA.

At a General Assembly begun and held for the said Province at Edenton the fifteenth day of January Anno Dom. 1734. [1735]

Present the Hono^{ble} William Smith Esq^{r} Presid^{t} of His Majestys Council.

The Honōble	Nathaniel Rice Robert Halton Eleazer Allen	Edward Moseley Roger Moore Cullen Pollock	Esq^{rs} Members of His Majesty's Council being the Upper House of Assembly.

The House met and adjourned 'till three of the Clock in the Afternoon.

The House met again and adjourned till to morrow morning at Eleven of the Clock.

Thursday January the 16th

The House met according to Adjournment.

Present The honōble William Smith Esqre Presidt &c

The Honōble { Nathl Rice, Eleazer Allen; Robt Halton, Edwd Moseley; Edmd Porter, Roger Moore; Cullen Pollock } Esqrs &c.

Received the following Message from the lower House directed to his Excellv the Governor who was present Vizt

To His Excellv the Governour:

The several Members of this House being met are now ready for their Qualification

Signed JOs ANDERSON Clk. G: Ass:

Sent by Colo Henry Bonner
Mr Thomas Luten

Whereupon his Excellv the Governour was pleased to appoint Mr Secretv Rice and Eleazer Allen Esqr Two Members of this Board, to Administer the Oaths by Law appointed to be taken for the Qualification of Publick Officers, to the Several Members of the General Assembly of this Province.

Received the following Message from the lower House directed to His Excellv the Governour Vizt

May it please your Excellv.

The House being now qualified are ready to wait on your Excellv for your directions in the Choice of a Speaker.

Signed J. ANDERSON C: G: Ass.

Sent by Mr William Badham
Mr Henderson Luten.

His Excellv the Governour thereupon sent a Messenger to the General Assembly requiring their immediate attendance, who came in a full Body; and His Excellv was pleased to direct the House to choose their Speaker and present him tomorrow morning at Ten of the Clock for his Approbation.

Then the House adjourned 'till tomorrow morning at Ten of the Clock.

Fryday January the 17th

The House met according to adjournment.

Present The Honōble William Smith Esq[r] Presid[t]

The honōble { Nath[l] Rice, Edw[d] Moseley, Robert Halton, Roger Moore, Edm[d] Porter, Cullen Pollock, Eleazer Allen } Esq[rs] &c

His Excell[y] the Governour came to the upper House and sent a Messenger requiring the attendance of the General Assembly to present their Speaker, and the General Assembly came in a full body and presented William Downing Esq[re] their Speaker, whom his Excell[y] was pleased to approve of, and then delivered his Speech to both Houses in the following Words Viz[t]

GENTLEMEN OF THE COUNCIL, AND GENTLEMEN OF THE HOUSE OF BURGESSES.

It was with great surprize and Concern that I found upon my coming into this province everything in such disorder and Confusion; the Members of Council & of the Superiour Courts appointed by his Majesty expelled the Country by Violence and such Men arbitrarily put in their places whose Characters alone were sufficient to bring all Majestracy and Government into contempt and ridicule; The inferiour Courts in some places quite discontinued, and in others under the management of such Persons, who instead of protecting the People in their just Rights, made use of the Power they were invested with, to harrass and Oppress them: in short all business commerce and improvements seemed to be very much at a stand.

It was for these reasons that I thought it proper to take the most early Opportunity of calling you together, and you are Assembled, I flatter myself you are met with a Sincere and hearty disposition of shewing your Duty and Fidelity to his Majesty & of redressing the Grievances of your Country, in the doing of which I hope all your consultations will be managed with decency Temper and Moderation qualities highly becoming all Bodies of Men, who are intrusted with any share of Legislative power, or whose consent is necessary in making and framing such Laws, as are to bind their fellow subjects

GENTLEMEN,

The settlement of his Majestys Quit rents, which has been so long postpon'd, ought to come under your immediate consideration. As his Majesty purchased this Province for a valuable Consideration and under the most Solemn Sanction of an Act of the who[le] British Legislature; I am confident no person in the Assembly will attempt either to delay or by any evasive captious clauses elude, doing so necessary a piece of Justice to the Crown; especially since his Majesty has been pleased to dis-

pose of these in such manner, that of Course, the greatest part of them must be spent among your selves: an Instance of Goodness which demands the warmest returns of gratitude, and ought to have great weight with you in all your debates, where his Majesty's interest is concerned.

The affair of the currency of your publick Bills is what can be no longer neglected without the entire ruin of the Country: These Bills were originally on a very bad precarious footing, but are now infinitely worse, by the great Number of Counterfeits, which are gone abroad into all parts of the province, by the Villainous arts of wicked and ill disposed persons, and to the utter undoing of many poor industrious Families. As it has been and always shall be my constant endeavour to punish with the utmost severity the Authors and encouragers of such mischievous practices, so it is incumbent on you, it is an indispensible Duty you owe to your Country, to find out a proper remedy for so great an Evil; and as the People of this Province cannot carry on their dealings without some paper currency; to contrive and establish one, on an Honest, just and Solid Foundation, so as to preserve the Publick ffaith inviolable, and prevent for the future the industrious planter from being robbed of the fruits of his Labour, by the tricks and frauds of profligate and abandoned Persons.

You cannot employ your time to better purpose, nor more for the benefit of the people whom you represent than by finding out some proper incouragement, as they have done in most other Colonys of America, for raising such manufactures and products, as may enable you to carry on an immediate and direct Trade to Great Britain, without which I am assured this province must always be a property to its Neighbours, and remain in a poor and Low Condition.

Gentlemen I expect that by some strict and effectual Law, you will put an end to the disorders and riotous proceedings which have for some time past too much prevailed in this country, and which are a shame and reproach to all Government and civil Society: and for this end I must particularly recommend it to you to put the Militia on a better footing, not only in order to defend the Country against all attacks of foreign Enemies, but likewise to assist the civil Magistrate in the Execution of such wholesome Laws and Statutes, as you shall think proper to Enact. These Gentleman are points of such Consequence that neither the Liberty nor the property of his Majestys Subjects in this Province can well Subsist without them, and therefore deserve your first and most early consideration; & I hope nothing of less moment will divert your attention from matters of so great importance.

Gentlemen I shall not at this time trouble you with any demands for myself; I am Sensible the Confusions & distractions in w^ch^ this province has been so long involved have put it prety much out of your power to make any large allowance to your Governor; If I can have the Satisfaction of seeing the Lives Libertys and properties of his Majesty's Subjects in this Province Secured in the most Effectual manner, and of Seeing their Trade manufacture and Riches Increased under my Administration I do sincerely assure you, it will give me a more solid and lasting pleasure, than any appointment your present Circumstances can allow you to fix upon me. I do not doubt Gentlem^n^ you will take care to settle a fund for defraying the Expences, which are necessary for carrying on the Publick Service and answer such contingent charges, as may from time to time arise, without which there is no doing of business during the intervals of Assemblys; and you may depend upon having a fair and just account laid before you every Sessions, how such money has been applyed. I shall take care to lay before you such of my Instructions as I am ordered to communicate, you will find them (however different my other instructions may be) much the same with those of my Predecessor.

Gentlemen of the Council and House of Burgesses,—before I make an end, I must give you one caution, w^ch^ is, to guard against the attempts of any set of men whatsoever, who presume to make a distinction between the Interest of the Crown and the interest of the Country, The King of Great Britain is so Potent a Prince, has such large and opulent Dominions both in Europe and America, that the least reflection must convince you, how little it would be worth his while to form any design upon the People of this Province, unless it be the grand and constant design of his whole auspicious Reign, the happyness and prosperity of all his Subjects. The interest of the Crown and of this Province is intirely the same, and whoever the person is, who endeavours to seperate them, he is an Enemy to both, and as such I hope you will always look upon him.

Which being again read at this Board, Resolved that M^r^ Secretary Rice and Eleazer Allen Esq^r^ be and are hereby appointed a Committee to draw up an Address in Answer to his Excell^y's^ Speech, and to lay the same before this House on Monday Morning.

Adjourned till three of the Clock in the Afternoon.

The House met again and Adjourned till to-morrow Morning at Ten of the Clock.

Saturday January the 18th

The House met according to Adjournment

Present The Honōble William Smith Esqr President of his Majestys Council.

The honōble { Nathl Rice, Robert Halton, Edmd Porter, Edward Moseley, Roger Moore, Cullen Pollock, Eleazer Allen } Esqrs &c.

Then the House adjourned till tomorrow morning at Ten of ye Clock.

Monday January the 20th

The House met according to Adjournment

Present the Honōble William Smith Esqr, President of his Majesties Council.

The honōble { Nathl Rice, Robtt Halton, Edmd Porter, Eleazer Allen, Edwd Moseley, Roger Moore } Esqrs &c.

Mr Secretary Rice and Eleazer Allen Esqr the Committee appointed to draw up an Address in answer to his Excellys Speech, now laid the same before this board, which was read and approved of, and Ordered that the same be fairly Transcribed and laid before the board at two of the Clock in the Afternoon.

The House met again.

Present The Honoble William Smith Esqr Presidt of his Majesties Coun^{l}

The Honoble { Nathl Rice, Robt Halton, Edmd Porter, Eleazer Allen, Edward Moseley, Roger Moore } Esqrs &c

The Address was again laid before the House, who Unanimously agreed thereto, in the following words Vizt:

To his Excellency Gabriel Johnston Esqr Captain General Governour and Commander in Chief and Over his Majestys Province of North Carolina and Vice Admiral of the same.

The Humble Address of his Majesty's Council of the said Province, now met in General Assembly.

May it please your Excellency.

We his Majestys most dutiful and Loyal Subjects, Members of the Council of this province, beg leave to take this first Opportunity of Congratulating your Excellencys safe arrival in your Government a happyness so long and impatiently wished for could not but fill Our hearts with the greatest Joy, as well as the deepest Sense of gratitude to Our most gracious Sovereign, whose Royal goodness and paternal care of his

People, is so conspicuous, in appointing a Gentleman of your Excell^{ys} known and distinguished Abilities to rule over us, at a time when the change was so necessary for the Deliverance of a distressed people, from the Jaws of Rapine Oppression and Violence.

This leads us to return your Excell^{y} our sincerest thanks for your Speech to both houses at the Opening of this Session wherein you are pleased in so particular a manner to take notice of the disorders and Confusion the Province was in at your coming to it; a Confusion which nothing but your Excell^{ys} arrival could regulate, and which had your Excell^{y} been detained longer from y^{r} Government, might have terminated in the utter destruction of several of the Gentlemen who have the Honour to sit at this Board. It is impossible for us to reflect without a just resentment on the affronts injuries and indignities these Gentlemen have received in particular, as well as those offered to many others of his Majesty's good Subjects of this Province, whose only crime in their several Offices and Stations was, maintaining and supporting the Laws of their Country and y^{e} Legal Rights and privileges of English Men, under the Tyranny of a person, who being Cloathed with the Royal Authority (an Authority only to do good) vilely prostituted the dignity of his Office defeated the gracious Intentions of his Sovereign, and in conjunction with a set of profligate tools, made use of that power as much as in him lay for the destruction of both; who in a most arbitrary manner, in defiance of his Majesty's Authority and Violation of his Royal Commands, suspended or prevented all his Majestys Council then in this province from taking their seats at that Board, and supply'd their places with Men of the most profligate and loose Character; Persecuted and expelled the Province his Majestys Patent Officers, and filled the places of the Chief Justice and Attorney General, with Men shamelessly devoted to him; the first grossly ignorant of the laws, and both notoriously corrupt and abandoned; hoping and endeavouring by these and other wicked instruments, and under Colour of Law, to effect the utter ruin of those Gentlemen, whose lives were in danger, and only preserved by a timely and unexpected flight.

'Tis to your Excellency's arrival we, as well as the rest of his Majesty's Subjects, are indebted for deliverance from this load of Oppression and Arbitrary Power; to this we owe the agreeable prospect of future Peace Tranquility and freedom, and a revival of business and Commerce among us; All which we shall in Our Station promote to the utmost of our Power, assuring your Excellency that all our debates for these purposes, or any other you are pleased to mention in your Speech, shall be carried on wth what calmness and moderation you have recommended to us.

We beg leave likewise to assure your Excellency that we shall with the greatest chearfulness take into Our Consideration the settlement of his Majesties Quit rents; a matter so just and equitable in its own nature cannot admit of any delays on our parts; nor shall the business of the Currency want our earliest applycation to regulate it being sensible on how precarious a foundation the publick bills were at first Emitted, but still rendered worse by the Villainous and wicked practices of those abandoned wretches, who have so frequently been concern'd in counterfeiting and uttering them; to that purpose it shall be Our study in conjunction with the House of Burgesses to frame such a law for your Excell^{ys} approbation as shall establish our currency on a much more solid basis, as well as to prevent as much as possible any counterfeits for the future.

We entirely agree with your Excellency in the necessity there is for raising such manufactures and products as may enable us to carry on an immediate trade to Great Britain; not only as such a Trade would greatly relieve the Province from the exorbitant demands of Our Neighbouring Colonies for all sorts of English Goods, but might prove one of the best means to preserve our Currency from being depreciated and to maintain it at its true value.

We shall take care as much as in us lyes that the Militia of the province be put on such a footing as may best answer the purposes your Excellency has been pleased to mention, being Sensible how necessary such a body of men are to repel the attacks of Intestine as well as foreign Enemies; And should any set of men be so bold as to insinuate any distinction betwixt the Interest of the Crown and that of this Province, as if his Royal Majesty could form any design against it, we should justly look upon them as enemies to both.

We beg leave to assure your Excellency on the whole that nothing in Our power shall be wanting to render your Excellency's Administration here as easy and happy, as we are convinced it is in your inclination to render those so, who live under it.

Resolved that Robert Halton and Edmond Porter, Esq^{rs}, two of the members of this House wait upon his Excell^{y}, the Governour and acquaint him that this House was ready to wait upon him with their Address; and then the House waited upon his Excellency accordingly.

His Excellency was thereupon pleased to make the following Answer, Viz^{t}

GENTLEMEN

I am very much obliged to you for this kind and affectionate Address, and hope that by our joynt endeavours, the peace of his Majestys Col-

ony will be firmly established, Its Trade and Commerce Enlarged, & a Constant good Harmony always subsist among the different Branches of y^e^ Legislature.

Then the House adjourn'd 'till tomorrow morning Ten of the Clock.

Tuesday January the 21^st^

The House met again.

Present The honōble William Smith Esq^r^ Presid^t^ of his Majesty's Council.

The honōble { Nath^l^ Rice, Robert Halton, Edm^d^ Porter, Eleaz^er^ Allen, Edw^d^ Moseley, Roger Moore } Esq^rs^ &c.

A Message came from the General Assembly to his Excell^y^ the Governour acquainting him that they were ready to wait on him with their Address in Answer to his Excellencys Speech, who was pleased to require their attendance in the Council Chamber, and accordingly the General Assembly waited on his Excellency with their Address, which was read, whereupon the honōble the Council desired a Copy of the said Address from his Excellency to be entred in their Journal, which he was pleased to grant, & is as follows Viz^t^

To His Excellency Gabriel Johnston Esq^r^ Captain General Governour and Commander in Chief in and Over his Majestys province of North Carolina and Vice Admiral of the same.

The humble address of the lower House of Assembly of the said Province.

We his Majestys most dutiful and loyal Subjects members of the lower House of Assembly do with the greatest pleasure embrace this first opportunity of congratulating your Excellency's safe arrival into this Province; and with most grateful hearts acknowledge the Royal goodness of our Sovereign shewn unto us in appointing a Gentleman of your Excellencys Qualifications and Consummate goodness to be our Governour; which has effectually delivered us from a State of Tyranny and Oppression.

We must beg leave to return your Excellency Our most unfeigned thanks for your kind expressions for our welfare in your Speech to both Houses at the opening of this Session; and for the particular concern your Excellency expresses at the disorders and Confusion you found this poor unhappy Country under; which nothing but the happy arrival of your Excellency, could remedy; for when his Majestys Council and patent Officers were by violence expelled the Country and Men of the most profligate Characters placed in their Room; when the supream and other Courts of Judicature were in great measure filled with men of

gross ignorance and known partialty, what but misery and ruine could be expected from such a corrupt Administration nor are those dismal Consequences barely grounded on Reason only but experience, some well meaning honest persons of undoubted good Characters being obliged to desert their Habitations, or subject themselves to be prosecuted as Rioters, or what other hard and injurious Titles those profligate Usurpers were pleased to give the best of Actions even that of appearing ready to defend the Laws of their Country, and supporting his Majesty's Authority invested in his Officers, we have no cause to doubt of your Excellencys putting a particular mark of distinction on such persons who were so ready to support Arbitrary and unjust Government hitherto unknown to the British Constitution.

We return your Excellency our hearty thanks for immediately calling an Assembly, your readiness to redress publick grievances, your abhorrence of the late vile practices and the Authors of them, all which gives us the strongest hopes that the distracted State of this poor Province will by happyly settled under your Excellency's Administration.

We are (may it please your Excellency) very ready to fall into any method which shall be proposed towards paying Our Quit rents, and in such a manner as can consist with the Abilities of his Majestys poor Tenants which we doubt not will remove all Scandalous reflections cast upon the Assemblys of this Province. The bad state of our Currency is in a great measure owing to the late corrupt Administration who neither would suffer the annual Collections to be made as in the Act was directed, nor those vile persons who Counterfeited them to be prosecuted; for we are persuaded had the Yearly payments to each respective Treasurer been made, and those profligate persons punished who counterfeited them, there would be scarce a Sufficiency to answer the Contingent charges of this Government: we are very ready to concurr with your Excellency and his Majesties Council to remedy this evil; as also to give such ample encouragement to Navigation and raising such Manufactures as may Open a Trade to Great Britain and some other of the British Dominions.

No Laws (May it please your Excellency) can be made effectual in any Country to suppress Riots when the Chief Magistrate is the principal Rioter; but that objection being now removed, we are ready to pass any Laws that shall be Judged necessary to put a stop to future attempts of that Nature.

The distracted state of this Government will not allow us to make provision for your Excellency suitable to your Merit and dignity; but we hope the Assembly of Carolina will at all times so behave themselves to his Majesty's Governour and other Officers, and Contribute towards their

honourable support, as may evidently prove that they have nothing more at heart than the Honour and dignity of the Crown & the happyness of the subject, whose interests by the British Constitution are so insperably conjunct that any Seperation made must terminate in the Ruin of both, and shall at all times look on any attempt of that nature made (and its Author) with the utmost abhorrence and Detestation.

By Order of the House. W. DOWNING Speaker.

Then the House Adjourned till three of the Clock in the afternoon.

The House met again according to Adjournment.

Present the Honōble William Smith Presidt of his Majesties Council

The honōble { Nathaniel Rice, Roger Moore, Edmond Porter, Cullen Pollock, Eleazer Allen } Esqrs &c

Received the following Message from the Lower House Vizt

Tuesday January ye 21st

To the Honourable the Council being the upper House of Assembly now Sitting.

Ordered that Mr James Castelaw Mr William Badham Mr Samuel Swann Mr Maurice Moore Mr George Turner Mr George Roberts Mr Stevens Lee Mr Samuel Sinclair Mr Gab: Burnham and Mr Arthur Williams to be a Committee to Joyn with a Committee of the upper House to conferr on a bill entituled an Act to regulate and Ascertain the Payment of Quit rents; an Act for Establishing and fixing Circular Courts in this Province; and an Act for regulating the Currency.

Sent by Mr Harrold
& Mr Lee

Ordered that a Message be sent to the upper House By Order
JOS. ANDERSON Clk Genl Assy

To which this House sent the following answer Vizt

Mr Speaker and Gentlemen,

In answer to your Message this House have appointed Mr Secretary Rice Eleazer Allen and Cullen Pollock Esqrs a Committee on the affairs you mentioned, to Joyn those of your house, who are ready to attend immediately. By Order R. FORSTER Clk Up: H:

Then the House adjourned till tomorrow morning at Ten of the Clock.

Wednesday January 22d

The House met again.

Present The honōble William Smith Esqr Presidt of his Majesty's Council

The honōble { Nathaniel Rice, Edward Moseley, Robt Halton, Roger Moore, Eleazer Allen, Cullen Pollock } Esqrs &c

Then the House adjourned till tomorrow morning Ten of the Clock.

Thursday January 23d

The House met according to Adjournment.

Present The honorable William Smith Presidt of his Majesties Council.

The honōble { Nathaniel Rice, Edwd Moseley, Robert Halton, Roger Moore, Eleazer Allen, Cullen Pollock } Esqrs &c

The House adjourned till tomorrow morning Ten of the Clock.

Fryday January the 24th

The house met according to adjournment.

Present The honourable William Smith Esqre Presidt of his Majesty's Council.

The honōble { Robert Halton, Roger Moore, Edward Moseley, Cullen Pollock } Esqrs &c

Received the following Message from the lower House Vizt Thursday January 23rd

To the honoble the upper House of Assembly.

Ordered That Mr William Badham Doctor George Alleyn Mr Charles Westbeir Mr Zebulon Clayton Mr John Dawson and Captain Arthur Mabson, be a Committee to Joyn a Committee of the Upper House, to Examine into the publick accounts and report the same to this House.

Sent to the upper House for concurrance.

By Colo Bonner
Mr Thos Luten

By Order
JOS ANDERSON C: G: A:

To which this House sent the following Answer Vizt

Mr Speaker & Gentlemn

This House have appointed Edmond Porter and Eleazer Allen Esqrs, a Committee to Joyn the Committee by you appointed to examine into ye Publick accounts. By Order

Rt FORSTER Clk: Up: H:

Then the House adjourned till three of the Clock in the afternoon.

Then the House met according to adjournment; And adjourned 'till tomorrow morning Ten of the Clock.

Present The honōble William Smith Esq^{r} Presid^{t} of his Majesty's Council.

The honoble { Robert Halton, Roger Moore, Edward Moseley, Cullen Pollock } Esq^{rs} &c

Saturday January 25th

The House met according to adjournment.

Present The honōble William Smith Esq^{re} Presid^{t} of his Majesty's Council.

The honōble { Robert Halton, Roger Moore, Edward Moseley, Cullen Pollock } Esq^{rs} &c

Then the House adjourned till Monday Morning Ten of the Clock.

Monday January y^{e} 27th The House met according to adjournment.

Present The honōble William Smith Esq^{re} presid^{t} of his Majesty's Council

{ Nathaniel Rice, Eleazer Allen, Robert Halton, Edward Moseley, Edmond Porter, Roger Moore } Esq^{rs} &c

Received the following message from the lower house Viz^{t} Monday January y^{e} 27

To the Honōble the upper house of Assembly now sitting,

Whereas it is found necessary during the sitting of this Session, that Messengers be sent to the several precinct Treasurers, Powder Receivers & others concerned with publick moneys, It is therefore Resolved that the sum of Sixty pounds be drawn out of the publick Treasury to defray the Charges of such Messages. And that the same be Lodged in y^{e} hands of y^{e} Speaker, he accounting at the end of this Session, how & in what manner, the same is disposed and that his Excell^{y} be desired to grant his Warrant to the publick Treasurer for the payment thereof.

Sent to the upper house for Concurrance

By D^{or} Alleyn By Order

M^{r} Samuel Swann. JOS. ANDERSON C^{lk} Gen Ass:

which was read and concurred with, and Sent to To his Excell^{y} by M^{r} Secretary Rice and Edward Moseley Esq^{r} By Order

R^{t} FORSTER C^{lk}. Up: H:

To which his Excellency was pleased to give his Assent.

Ordered that the same be sent to the Lower House.

Then the house adjourned till tomorrow morning Ten of the Clock

Tuesday January 28.

The House met according to adjournment.

Present The honourable William Smith Esq^{r} President of His Majesties Council.

The Honōble	Robert Halton	Edward Moseley	Esq^{rs} &c
	Edmond Porter	Roger Moore	
	Eleazer Allen	Cullen Pollock	

The House met and adjourned till tomorrow morning Ten of the Clock.

Wednesday January 29th The house met according to Adjournment.

Present The honōble William Smith Esq^{r} Presid^{t} of his Majesty's Council.

The honōble	Robert Halton	Edward Moseley	Esq^{rs} &c
	Edmond Porter	Roger Moore	
	Eleazer Allen	Cullen Pollock	

The House met according to adjournment.

Read a Bill from the Lower House for Providing his Majesty a Rent Roll for securing his Majestys Quit rents; For the Remission of the arrears of Quit Rent; For quieting the Inhabitants in their Possessions; and for the better settlement of his Majesty's province of North Carolina; which Bill the House entred into the Consideration of. And adjourned till tomorrow morning Nine of the Clock.

Thursday January 30th

The House met according to adjournment.

Present the honourable William Smith Esq^{re} Presid^{t} of his Majesty's Council.

The honōble	Robert Halton	Edward Moseley	Esq^{rs} &c
	Edmond Porter	Roger Moore	
	Eleazer Allen	Cullen Pollock	

The house met and adjourned till tomorrow morning at Ten of the Clock

Fryday January 31st. The House met according to adjournment.

Present The honourable William Smith Esq^{r} Presid^{t} of his Majesty's Council.

The honōble	Robert Halton	Edward Moseley	Esq^{rs} &c.
	Edmond Porter	Roger Moore	
	Eleazer Allen	Cullen Pollock	

The Bill for providing his Majestys rent Roll &c. was this day read in the upper house, and passed the first time with amendments.

Read a Bill for an Act for repealing a Clause in an Act Intituled an Act relating to Biennial and other Assemblys, which empowers ffreemen

of the several precincts to vote for members of Assembly, and declaring what persons shall be qualified to Vote for Members to sit in General Assembly, and also the Qualification of Members for the future, the first time and passed with amendments.

Read a Bill for an Act to establish that part which was formerly of Bertie precinct lying on the South side of Roanoke River by the Name of Edgecombe precinct the first time and passed with amendments.

Read a Bill for an Act for appropriating the Powder money towards fortifying and beaconing & Buoying out the several ports or Channels of this province and for imploying of pilots, in the upper House the first time & passed.

Saturday February the 1st The house met according to adjournment and then adjourned till Monday morning at Ten of the Clock.

Monday February the 3rd The House met again.

Present The honourable William Smith Esqr Presidt of his Majestys Council.

The honōble { Robert Halton, Edward Moseley, Edmond Porter, Roger Moore, Eleazer Allen, Cullen Pollock } Esqrs &c.

The House adjourned till tomorrow morning Ten of the Clock.

Tuesday February 4th

The House met according to adjournment.

Present The Honourable William Smith Presidt of his Majesty's Council.

The Honōble { Robert Halton, Edward Moseley, Edmond Porter, Roger Moore, Eleazer Allen, Cullen Pollock } Esqrs &c

This day was read in the House the Second time the Bill for establishing that part which was formerly of Bertie precinct on the South side of Roanoke River, a precinct of the name of Edgecombe precinct, & passed with amendments

Read in the House a Bill for an Act for Repealing a Clause in an Act relating to Biennial and other Assemblys which impowers freemen of the several precincts to Vote for Members of Assembly and declaring what persons shall be qualifyed to Vote for members to sit in General Assembly; and also the Qualification of members, the second time and passed wth amendments.

Read in the Upper house a Bill for appropriating the Powder money the second time and passed with amendments.

Read in the Upper house a Bill to Establish and confirm the precincts of Onslow and Bladen the first time and passed.

Received from the Lower house the quit rent Bill, and the House entred into the Consideration thereof, and then adjourned till tomorrow morning at Ten of the Clock.

Wednesday February the 5th

The House met again.

Present The honourable William Smith Esqre Presidt of his Majesty's Council.

The honōble { Robert Halton, Eleazer Allen, Edmond Porter, Roger Moore } Esqrs &c.

This day was read in the Upper House a second time the Bill for providing his Majesty a Rent Roll for securing his Majestys Quit Rents; for the remission of the arrears of Quit rents; for Quieting the inhabitants in their Possessions; and for the better settlement of his Majestys Province of North Carolina; and passed with amendments.

Then the House adjourned till Tomorrow morning at Ten of the Clock.

Thursday February the 6th

The house met again.

Present The honōble William Smith Esqre presidt of his Majestys Council.

The honōble { Robert Halton, Edward Moseley, Edmond Porter, Roger Moore, Eleazer Allen, Cullen Pollock } Esqrs &c.

Read this day a Bill sent from the Lower House for regulating the present Currency of this Province, the first time and passed with amendments.

Then the House adjourned till tomorrow morning at Nine of the Clock.

Fryday February the 7th.

The House met again.

Present the honōble William Smith Esqr presidt of his Majesty's Council.

The Honōble { Robert Halton, Edward Moseley, Edmond Porter, Roger Moore, Eleazer Allen, Cullen Pollock } Esqrs &c

Read a Message from the Lower house relating to Mr Stephen Goulde, late powder Receiver of port Bath which is ordered to lye on the Table for further Consideration.

Then the house adjourned till tomorrow morning Ten of the Clock.

Saturday February the 8th.

The house met according to adjournment.

Present The honōble William Smith Esqre Presidt of his Majesties Council.

The honōble { Robert Halton, Edward Moseley, Edmond Porter, Roger Moore, Eleazer Allen, Cullen Pollock } Esqrs &c

Read a Message from the Lower house appointing Colo Henry Bonner Mr Charles Denman Mr Arthur Williams Mr Robert Turner and Mr Samuel Swann junior a Committee to examine into and Settle the Account of Claims due from the publick, which is ordered to lye on the Table for further Consideration.

Then the House adjourned till Monday morning Ten of the Clock.

Monday February 10th

The House met again.

Present The honōble William Smith Esqr presidt of his Majestys Council.

The honōble { Robert Halton, Edward Moseley, Eleazer Allen, Roger Moore } Esqrs &c

This day was read again the Message from the Lower house on Fryday last relating to Mr Stephen Goulde late powder Receiver of Port Bath; as also a Message from that House Appointing a Committee to examine into and settle the Account of Claims due from the publick; to which this House returned the following Answer, Vizt

In the Upper House ffebruary the 10th 1734. [1735]

Mr Speaker and Gentl

In Answer to your Message on Fryday last relating to Mr Goulde, We are of opinion that that affair be laid before his Majesty's Attorney General to know how farr Mr Burrington is lyable for the loss of the money received by Mr Goulde, we shall therefore consult him upon it and send you down his Opinion thereon. And pursuant to your resolve of Saturday last of a Committee of your house on Claims, we have Appointed the Chief Justice and Eleazer Allen Esqr a Committee of Our house to joyn that of yours. Signed Wm SMITH.

Then the House adjourned till tomorrow morning at ten of the Clock.

Tuesday February 11th

The House met again.

Present The honōble William Smith Esqr President of his Majesty's Council.

The honōble { Robert Halton, Edward Moseley, Eleazer Allen, Roger Moore } Esqrs &c

Read from the Lower House the following Resolve Viz^{t}

To the Honourable the upper House,

In the Lower House Tuesday ffebruary the 11th 1734. [1735]

Resolved that the sum of Twenty pounds be paid out of the Publick Treasury unto the Reverend M^{r} John Garsia, for performing divine Service and Preaching a Sermon before his Excellency y^{e} Governour Council and Assembly Sunday last; and that His Excellency be desired to issue his Warrant for payment thereof.

Sent to the Upper House for Concurrance by M^{r} Turner
M^{r} Roberts.

Which was concurred with.

By Order JOS. ANDERSON C^{lk} Gen^{l} Ass:

Received from the Lower House and Read the Bill for providing his Majesty a Rent Roll for securing his Majestys Quit rents; for the Remission of the Arrears of Quit rents; for quieting the Inhabitants in their Possessions; and for the better settlement of his Majestys Province of North Carolina the third time and rejected; as also a Message relating thereto,

Resolved That M^{r} Chief Justice and Col^{o} Halton draw up answer to the said Message and lay the same before this House,

M^{r} Chief Justice and Col^{o} Halton Reported to the House an Answer to the Message from the Lower House, sent with the Quit rent Bill, which was read and referred for the further Consideration of this House till tomorrow morning.

Then the House Adjourned till tomorrow morning Ten of the Clock.

Wednesday February 12th

The House met again.

Present The Honōble William Smith Esq^{re} Presid^{t} of his Majesty's Council.

The honōble { Edmond Porter, Edw^{d} Moseley, Eleazer Allen, Roger Moore } Esq^{rs} &c

Read in the Upper house the Second time a Bill to confirm and Establish the Precincts of Onslow and Bladen & passed

Read a Bill for an Act to establish that part which was formerly of Bertie precinct lying on the South side of Roanoke a precinct by the name of Edgecombe the third time and rejected.

Read in the Upper House a Bill for Establishing the North East Parish of Pasquotank into a New precinct the first time and passed with amendments.

Upon reading the Preamble of the Bill for Qualification of Members of Assembly &c this House sent the following Message to the Lower House, Viz^{t}

M^{r} Speaker and Gentlemen

On reading the Bill for Qualification of Members of Assembly &c We find the preamble not so fully explained as we think it ought We have therefore made some Alteration in it, which we send down for your Approbation, before we add it to the Bill, this being the last Reading

Adjourned till three of the Clock in the Afternoon.

Present The honourable William Smith Esq^{r} Presid^{t} of his Majesty's Council.

The honōble { Nath^{l} Rice, Edward Moseley, Edmond Porter, Roger Moore, Eleazer Allen } Esq^{rs} &c

This day was again Read the Report of M^{r} Chief Justice and Col^{o} Halton in Answer to the Message from the Lower House relating to the Quit Rent Bill which was approved of and is as follows Viz^{t}

M^{r} Speaker and Gentlemen of the Assembly

We are sorry to find you have, after this your last reading, sent up the Bill for payment of his Majesty's Quit Rents so clogg'd, that we are under a Necessity of rejecting it; If you thought the places of payment as they stand in our amendment too few, you had it in your power to have made it as easy to the people as you pleased, provided you had not done it at the Kings Expence; and in this the people in Virginia, whom you quote as a precedent have Chaulk'd out the way for you. We grant you that an allowance is made to the people in that province paying inspected Tobacco some Thirty and none under Ten p^{r} Cent according to the remoteness of their Scituation; but then Gentlemen, it had been but fair to have taken notice that all these allowances are made up by every Assembly to the Receiver General, who receives the Crown rents (as is most just) entire and Compleat. If you had taken any such method as this to ease the people, we should have complyed with great chearfulness; but to prescribe to his Majesty such a manner of Collecting his just rents, as by the most modest computation will oblige him to spend one half in recovering the Other, is in Our opinion neither better nor worse than making an Act to oblige his Majesty to take but One half of his Quit rents: and whatever hopes you may have conceived of what his Majesty expects, we are well assured that he does expect, and has a Right to have, his Quit rents paid nett into the Receiver General's hands; and

as his Majesty purchased the Soil for a Valuable Consideration, and by an Act of Parliament, we are confident nothing less will ever be accepted of.

As to what you mention about the antient Laws and Usage of this Country, we can not pay any great regard to it, unless you will be pleased to shew us any of them, which makes for your purpose, confirmed by an Authentick deed, under the hands and Seals of the Lords proprietors. For the Assemblys in former times who were their Lordships tenants to enact that the rents should be paid in such a manner and in such Comoditys as they thought proper, without ever obtaining their Lordships consent since in Our Judgment, y^{e} same thing as a debtor, telling his Creditor, he will only pay him as he pleases, without any regard to their Contract: such reasoning as this we are sure will never be allowed by his Majestys Ministers at home, & it would, we think, be triffling with them, and with the people of the province too, for us to allow it, it being certain that his Majesty can recover, his Quit rents, without either asking your consent or Ours.

If you please to consult your own records of the Assembly which met in July 1712 while the Indian Warr was raging in the Country, you will find in a letter from the Lords proprietors, they demand that, considering the smallness of their reserved Rents, they should be paid in the finest Silver. If their Lordships expected this from the Country when it was in the most melancholy calamitous circumstances, sure his Majesty, after so many years peace and tranquility, may very justly expect the same.

And here we cannot but take notice of an assertion that has been made in your house during the late Administration, that as the Laws now stand, the Quit rents are payable in Province Bills without any discount; if you will only let us know when the proprietors ever accepted of this (we are sure by the Nature of the thing it must be null & void without their Acceptance) we will yield all the other points in dispute; one thing we are certain of that in the year 1717 The Assembly, as appears by the Records page (142) disclaimed in the most Solemn manner all attempts of this Nature, what illegal concessions and unjustifiable Steps may have been made a few years before the purchase of the Crown took place by the Lords proprietors Councillors and Officers we dont at all regard; it is enough to us that they were never confirmed by their Lordships, and consequently not binding on the Crown, which now stands in their place.

Because they betrayed the interest of their Masters, it does not follow that we must give up the just right of his most gracious Majesty, on the Contrary we shall always Endeavour to the utmost of Our power, to

detect their numerous frauds, by which they may have unjustly enriched themselves and their relations, injured his Majesty's Revenue, and plundered their fellow Subjects.

Resolved that a Copy thereof be sent down to the Lower House,

Adjourned till tomorrow morning Ten of the Clock.

Thursday February 13th The House met again.

Present The honourable William Smith Esqr presidt of his Majesty's Council.

The honōble { Robert Halton, Edward Moseley, Edmond Porter, Roger Moore, Eleazer Allen } Esqrs &c

Read in the Upper House the Bill for Regulating the present Currency of this province the second time and passed with amendments.

Read a Bill for laying out making altering and keeping in repair the several Roads and highways with the several precincts of the County of Bath for building Bridges cleansing and keeping clean the several Rivers and Creeks within the same the first time and passed

Fryday February 14th

The house met again and adjourned till tomorrow morning Ten of the Clock.

Saturday ffebruary the 15th

The house met again and adjourned till Monday Morning at Ten of the Clock

Monday February 17th

The house met again & adjourned till Tomorrow morning at Ten of the Clock.

Tuesday February 18th

The House met according to adjournment.

Present the honōble William Smith Esqr Presidt of his Majesty's Council.

The honōble { Nathl Rice, Edward Moseley, Robert Halton, Cullen Pollock, Eleazer Allen } Esqrs &c

Read a Bill for laying out, making altering and keeping in repair, the several roads and highways within the several precincts of the County of Bath, for building bridges, cleansing and keeping clean the several Rivers and Creeks within the same, the second time and passed with amendments.

The house adjourned till tomorrow morning Ten of the Clock.

Wednesday February 19th

The house met according to adjournment.

Present The honōble William Smith Esqr Presidt of his Majesty's Council.

The honōble { Nathl Rice, M. Rowan, Robert Halton, Edward Moseley, Edmond Porter, Cullen Pollock, Eleazer Allen } Esqrs &c

Read a Bill for an Additional Act to the Act concerning Roads and Ferrys the first time and passed with amendments.

Read a Bill for establishing the North East parish of Pasquotank in a precinct by the name of and passed.

Read a Bill for an Act to confirm and Establish the precincts of Onslow and Bladen and for appointing them distinct Parishes the third time and passed. Ordered that the same be Engrossed

Read a Bill for granting to his Majesty the sum of £10,000.0.0 for the service of the publick of this province; and for laying a Tax on the Inhabitants of the same, for the payment thereof; & for stamping the sum of £10000 Bills of Credit for the more immediate discharge of part thereof, the first time; & passed with amendments: and Resolved that the following Message be sent down with the said Bill, Vizt,

Mr Speaker and Gentlemen,

On reading the Bill for making Ten thousand Pounds &c sent us this morning, we have thought proper to make some amendments thereto which you will find upon reading do not alter the nature or any Essential part of the Bill.

The preamble as we have made it is matter of form only but such as is Constantly used in Bills of this kind in the Kingdom of Great Britain and Ireland and most of his Majesty's plantations in America which is the reason for Our inserting it instead of yours all which we hope you will agree to NATHl RICE.

Upper house ffeb 19th

Read a Bill from the lower house for an Act to ascertain the allowance of his Majesty's Council and the Members of Assembly of this Province the first time and passed with amendments.

Received from the lower House a Message desiring that Edward Moseley and Cullen Pollock Esqrs be joyned with the Speaker of their House to examine the Bills to be paid in from the persons having publick Moneys in their hand which was concurred with

Then the house adjourned till tomorrow morning at Nine of the Clock.

Thursday February 20th Present the honōble William Smith Esqr Presidt of his Majesty's Council

The honōble { Nathl Rice, Math: Rowan, Robert Halton, Edwd Moseley, Edmd Porter, Cullen Pollock, Eleazer Allen } Esqrs &c

Read a Bill from the Lower House for an Act for laying a duty on Liquors for and towards defraying the contingent charges of Government and to make a poll tax on the poorer Inhabitants the more Easy, the first time and passed with amendments.

Read a Bill from the lower house Entituled an Additional Act to an Act for destroying of Squirrels the first time and passed with amendments.

Read a Bill from the lower house Entituled a Bill for reviving an Act Entituled an Additional Act to the Act for the Tryal of Small and Mean causes the first time and passed with amendments.

Received a Message from the Lower House, Vizt

ffebruary 20th 1734. [1735]

To the honourable the Upper house.

Upon reading the Currency Bill in this House, we perceive that the Commissioners therein mentioned, are to give Security in the sum of Ten thousand pounds; We are of Opinion they ought to give Security for double the sums they are entrusted with, which will be Twenty thousand pounds each. We desire to know whether you will concurr with us in making that alteration in the Bill By Order

JOS: ANDERSON Clk Genl Ass.

which was read & Concurred with.

Sent by Mr Wynns, Mr Dawson

Read a Bill for an Act to enable the Chief Justice or other Judges of the General Court to Try Issues in Civil Causes by Writ of Nisi Prius in the County of Bath, the first time and passed.

Read a Bill for an Act to ascertain the allowance of his Majesty's Council and the Members of Assembly of this Province the second time and passed with amendments.

On reading the Bill for Regulating Elections the third time the following Message was sent down to the lower House Vizt

Mr Speaker and Gentlemen,

On reading the Election Bill a third time in Order for Engrossing, we still find some amendments Necessary, which may have slipped the

notice of both Houses. We think every freeholder, entituled to Vote for a Member, should be possessed with such ffreehold at least three months before he Offers to give his Vote; and that the words bona fide should be inserted in that Clause; and this is in Order to prevent any fraudulent Conveyances, sometimes calculated for these purposes only, which if you consent to, we will amend the Bill, & send it to your house immediately. By order W. SMITH Presid^{t}

Read a Bill for laying out, making altering and keeping in Repair the several Roads and highways within the several precincts of the County of Bath; for Building Bridges, cleansing and keeping Clean the several Rivers & Creeks within the same, the third time and passed.

Ordered that the same be engrossed.

Read a Bill for an Act for Repealing a Clause in an Act, Entituled an Act, Relating to Biennial and Other Assemblys, which impowers ffreemen of the several precincts to Vote for Members of Assembly, and declaring what persons shall be Qualified to Vote for Members to sit in General Assembly; and Also the Qualification of Members for the future, the third time and passed. Ordered that the same be Engrossed.

Read a Bill for an Act appointing the North East Parish of Pasquotank into a distinct precinct by the Name of Johnston precinct the third time and passed. Ordered that the same be engrossed

Read a Bill for an Additional Act to the Act concerning Roads and Ferrys a second time and passed with amendments.

Then the house adjourned till tomorrow morning at Nine of the Clock.

Fryday February 21st. The house met according to adjournment. Present The honourable W. Smith Esq^{r} presid^{t} of his Majesty's Council.

The honōble { Nath^{l} Rice, Mathew Rowan; Robert Halton, Edward Moseley; Edmond Porter, Cullen Pollock; Eleazer Allen } Esq^{rs} &c

Read a Bill for Stamping and Exchanging the present Bills of Currency of this Province and for the better explaining an Act of the General Assembly passed the 27th day of November 1729 Entituled an Act for making and Emitting the sum of ffourty thousand pounds Publick Bills of Credit of North Carolina the third time and passed. Ordered that the same be Engrossed.

Read a Bill for an Act for laying a duty on Liquors for and towards the defraying the Contingent Charges of Government; and to make a poll tax on the poorer Inhabitants more Easy, a Second time, and passed with amendments.

Read a Bill for an Act for reviving an Act Entituled an Additional Act to the Act for the Tryal of Small and mean Causes a Second time and passed

Read a Bill for an Additional Act to an Act for destroying Squirrels a second time and passed with amendments.

Resolved that the following message be sent down to the lower House Viz^{t}

M^{r} Speaker and Gentlem^{n}

The report of the Committee of Publick Accounts being before this House, we desire the publick Treasurers Accounts may be laid before us.

By Order W. SMITH Presid^{t}

On reading the Bill for ascertaining the allowance of the Council and Assembly the third time, the following message was agreed on to be sent down to the lower House Viz^{t}

M^{r} Speaker and Gentlem^{n}

On reading the Bill to ascertain the allowance of the Council and Assembly the third time, we find you have altered the amendment made by this House, which relates to Proclamation Money, and Confined it as at first to four for One in paper Bills of this Province, which amendment we can by no means agree to, the paper bills being at present at a much greater discount than you have Ascertained: If you think fit to appoint a Committee of your house to confer with y^{t} of Ours on this Subject, they shall meet yours as soon as you think proper.

By Order W. SMITH Presid^{t}

Resolved that Eleazer Allen and Mathew Rowan Esq^{rs} be and are hereby appointed a Committee to confer with such Members as shall be appointed by the Lower house to conferr on the subject matter of the Bill for Ascertaining the allowance of the Council and Assembly

Read a Bill for an additional Act to the Act concerning Roads and Ferrys the third time and passed. Ordered that the same be engrossed.

Then the House Adjourned till tomorrow morning Nine of the Clock.

Saturday February 22^{d} The house met according to adjournment. Present The honourable William Smith Esq^{r} Presid^{t} of his Majesty's Council.

The honōble { Robert Halton, Edmond Porter, Eleazer Allen, Mathew Rowan, Edward Moseley, Cullen Pollock } Esq^{rs} &c

Read from the Lower house a Message desiring this house to appoint a Committee to joyn the Committee appointed by them for examining and destroying £446.9 Old Bills in the Hands of Colonel Edward Moseley Publick Treasurer.

Resolved That Cullen Pollock Esq^{r} be joyned with the Committee of the Lower house to examine and destroy the said Bills.

Read the third time a Bill for an Act for reviving an Act Entituled an Additional Act to the Act for the Tryal of small and mean Causes and passed. Ordered that the same be engrossed.

Read the third time a Bill for an Act to ascertain the Allowance of his Majesty's Council and the Members of Assembly of this Province, and passed. Ordered that the same be Engrossed.

Read a Bill for an Act to enable the Chief Justice or other Judges of the General Court to try Issues in Civil Causes by Writ of Nisi Prius in the County of Bath the second time and passed with amendments.

Whereas his Excellency the Governour was pleased to lay before this House a report of the Committee of both houses of Assembly of South Carolina, relating to the boundaries between the two provinces, occasioned by his Excellencys Letter to the Governour of South Carolina on that Subject which report was read

Resolved that Eleazer Allen and Edward Moseley Esq^{rs} are hereby appointed a Committee to Answer the same.

Read a Message from the Lower House on the back of Captain Tripps Petition desiring the Concurrance of this House in giving the said Captain Tripp further time till the next Biennial Assembly to pay the Ballance of his Account Viz^{t} the sum of £149 Province Bills, in regard of the said Tripps Publick Service; which this House concurrs with, provided the said Tripp gives Security to pay the same

Then the house adjourned till Monday Morning at Ten of the Clock.

Monday February 24th The House met according to adjournment. Present The honourable William Smith Esq^{r} Presid^{t} of his Majesty's Council.

The honoble { Robert Halton, Mathew Rowan, Eleazer Allen, Edward Moseley } Esq^{rs} &c.

Received from the Lower House the following Message Viz^{t}

Monday February 24th 1734 [1735]

To the Honourable the Upper House

Whereas the Treasurers of the several precincts by a Law passed in the Year 1729 were empowered and directed to Collect a Poll Tax of ffive shillings due for the Year 1729, also a Tax of three shillings ℔

Poll annually till the next Biennial Assembly; & as some of the said Treasurers have not accounted for any of the said Levys, and those that have accounted, have not accounted for the whole; We therefore desire to have your Opinion whether the arrears of the said Taxes should not be immediately collected and Applyed to sinking the sum of Two thousand Pounds Old Bills passed in the Year 1722 & not yet exchanged and destroyed. By Order

JOS. ANDERSON C^{lk}. Gen^{l}. Assem.

Sent by M^{r} Thomas Luten, M^{r} W^{m} Badham

To which Message this House sent the following Answer Vizt

M^{r} SPEAKER AND GENTLEMEN,

In answer to your message just now received, we are of Opinion that the Precinct Treasurers be immediately directed to collect the arrears of Taxes due for the Year 1729, and the following year, it being we think, an abuse on the Publick, that that law has not been complyed with; we readily consent that such arrears, when collected may be appropriated as you mentioned, but should be glad to know a particular state of that matter; as how much has been accounted for & paid of the said Tax, and what remains on Ballance. By Order

R^{t} FORSTER C^{lk} Upp: House.

Then the House adjourned till tomorrow morning at Ten of the Clock.

Tuesday February 25th The House met again. Present The honōble William Smith Esq^{r} Presid^{t} of his Majesty's Council.

The honōble { Robert Halton, Edward Moseley, Eleazer Allen, Cullen Pollock, Mat. Rowan. } Esq^{rs} &c.

Read the third time a Bill for an Act for laying a duty on Liquors for and towards defraying the Contingent Charges of Government, and to make a Poll Tax on the poorer Inhabitants the more Easy, and passed. Ordered that the same be Engrossed.

This day was read a Message from the lower House which was received last Saturday, Viz^{t} Saturday ffeb. 22nd

TO THE HONŌBLE THE UPPER HOUSE,

Whereas there was an Emission of £12000 Bills of Credit passed in the Year 1722, and in the Year 1729 there was made the sum of Ten thousand pounds to exchange the aforesaid £12,000 supposing £2,000 of the said £12000 to be Torn lost and defaced, but now it appearing that the Powder Receivers and others concerned with the Publick moneys

have several Sums of those Bills first Emitted in Order to defray their dues to the Publick, and as such Bills were made obsolete in the Year 1729, we desire your Opinion whether such Bills are to be taken in discharge of their dues by the Comittee appointed to receive the same.

By Order JOS: ANDERSON C^{lk} Gen^{l} Ass:

Sent by M^{r} Castelaw, M^{r} Lee

To which Message this House sent the following answer Viz^{t}:

M^{r} SPEAKER AND GENTLEM^{n},

In answer to your Message relating to the Old Bills we are of Opinion that as those old Bills were declared not to be Current by an Act passed in the Year 1729, they ought not to be taken in discharge of any publick dues whatsoever; but that all persons possessed of any such Bills, may bring them into the General Assembly at the next Biennial with a Claim, and that they ought to be allowed.

Present Edmond Porter Esq^{r}

Received the following Message from the Lower House Viz^{t}

TO THE HONŌBLE THE UPPER HOUSE

Colonel Moseley producing the report of the Publick Accounts to this House, and prayed that the same be further examined; and Observe that as a publick Treasurer he is in advance for the publick £394.0.7 and he has delivered £446.4.6 which was destroyed; he also charges 15 ℔ Cent for exchanging the same, which comes to £3.7.0 in all £843.12.1; and as precinct Treasurer is Debtor the sum of £454.10.2; so that on the Ballance of both His Accounts, there is due to him £389.1.11 to Reimburse him that sum: Wherefore it is ordered that it be placed to the Estimate of Publick debts, We likewise find by the report of the Committee that the Loan money is burthened with 15 ℔ Cent and y^{e} impost with 12 ℔ Cent by the publick Treasurers accounts, which charge we find has been Customary, if your House shall think those Commissions too large, we are ready to concurr with what you shall think reasonable.

In the Lower House ffeb: 24 1734 [1735]. By Order

JOS: ANDERSON C^{lk} Gen^{l} Ass.

Sent by Col^{o} Bonner, Henderson Luten.

Which was read in the Upper house & Concurred with and that the same be placed to the Estimate of the Publick Accounts. By Order

R. FORSTER C^{lk} U^{p}: H:

Read a Message from the Lower House received from the Lower House the 22nd Instant which was Read in these Words Viz^{t}

Feb. 22: 1734 [1735]

To the Honorable The Upper House

This House is of Opinion that Ten shillings ℔ diem Current Bill money, the arrearages due to the Members of the Assembly before this Session, is not sufficient for their support; therefore desire your honours Opinion whether it may be enlarged by allowing them Twenty shillings ℔ Day for Services in former Assemblys, and not yet paid, and being so long out of their money. By Order

JOS: ANDERSON C^{lk} Gen^{l} A^{ss}.

Sent by M^{r} Denman, M^{r} Skinner

To which this House sent the following Message Viz^{t}

Upper House Feb^{y} 25, 1734 [1735]

M^{r} Speaker & Gentlemen

In answer to your Message of the 22nd Instant relating to advancing the Claims of the former Burgesses, we are of Opinion that no more be allowed than was agreed on by former Assemblys, that is Ten Shillings ℔ Diem. By Order R. FORSTER C^{lk} U: H:

The several petitions which his Excellency the Governour was pleased to recommend to the Consideration of the House was read, and on Debating the same resolved that a Bill be brought in to secure all persons who have seated cultivated & improved Lands within this province.

Thereupon M^{r} Chief Justice Smith brought in a Bill for that purpose, which was Ordered to be read, and accordingly was read a Bill for an Act for the Security of persons, who have seated cultivated and improved Lands in this Province, the first time and passed.

Adjourned till tomorrow morning at nine of the Clock.

Wednesday February the 26th The house met again. Present The honōble William Smith Esq^{r} Presid^{t} of his Majesty's Council.

The honōble { Robert Halton, Mathew Rowan, Edmond Porter, Edward Moseley, Eleazer Allen, Cullen Pollock } Esq^{rs} &c

Read a Second time a Bill for an Act for the Security of Persons who have seated Cultivated & improved Lands in this province & passed with amendment. Then the house adjourned till nine of the Clock tomorrow.

Present The honourable William Smith presid^{t} of his Majesty's Council.

The honōble { Nath^{l} Rice, Eleazer Allen, Robert Halton, Matthew Rowan, Edmond Porter } Esq^{rs} &c

Read the third time a Bill for an Act for the Security of persons who have seated Cultivated and improved Lands in this province and passed with amendments.

Received from the Lower House a Report of the Committee appointed for considering and examining the Claims of several persons on the publick, which was read, & resolved that the house take the same into Consideration tomorrow Morning.

Then the house adjourned till tomorrow morning at Nine of y^e^ Clock.

Fryday February 28^th^ The House met according to adjournment. Present The honōble William Smith Esq^r^ Presid^t^ of his Majesty's Council.

The honōble { Nath^l^ Rice, Mathew Rowan, Robert Halton, Edward Moseley, Edmond Porter, Cullen Pollock, Eleazer Allen } Esq^rs^ &c

This House according to their Resolution last night went upon the Consideration of the report of the Committee of Claims from y^e^ Lower house and agreed to send the following Message down to y^t^ house, Viz^t^

M^r^ Speaker & Gentlemen,

Upon perusing the List of Claims passed by the Committee, we find certain Articles of publick Service done by the Provost Marshal, not comprized therein, in the whole amounting to the sum of £315.—.—; we also find certain Articles of Publick Service done by the Secretary or Clerk of the Council, not comprized therein, in the whole amounting to the sum of £270.10.—; We are of Opinion that in the Estimate of the Publick Charge, those sums ought to be added, and the charge of this day and tomorrow ought also to be included in the charge of this present Session: We cannot proceed on the Bill for granting to his Majesty the sum of Ten thousand pounds for the service of the publick of this Province, and for laying a Tax on the Inhabitants of the same for the payment thereof; until we have the Estimate of the publick Debt to be added thereto, If your House will send up the Estimate so rectified, we will immediately proceed to pass the same. By Order

R. FORSTER C^lk^ Up House.

Received the following Message from y^e^ Lower House Viz^t^

February 28^th^ 1734. [1735]

To the Honōble the Upper House.

In complyance to your message we have sent an Estimate of the Charge of this Session including tomorrow, but as to what you mention of Ar-

ticles of Publick Services done by the provost Marshal and Clerk of the Council, which you say are not allowed by the Committee, we are of Opinion that the said Committee have allowed whatever was usual and Customary to be allowed for Services of that Nature, therefore can't consent to make any further allowance. By Order

JOS. ANDERSON C^{lk} Gen^{l} Assem.

Sent by M^{r} Lowther, M^{r} Dawson

To which this House sent the following answer Viz^{t}

M^{r} SPEAKER AND GENTLEMEN,

In answer to your Message just now received, we are of Opinion that we cannot with Comon Justice recede from the Charge made by us of the Additional Sums to the Secretary and provost Marshal, which we hoped would have been added to the Estimate whatever might have been the Sense of your Committee on those Accounts. We are surprized you should again send up a fair Copy of the Estimate, without so much as taking Notice of the sum off £2500 charges of stamping the New Currency, and which by a Law passed both Houses this Session, was to be sunk by the Law which now Lyes before us for stamping the sum of £10,000, the charge of which also amounts to £600 in £3100; these sums together with what are before mentioned, we still hope you'l add to the Estimate, to make it compleat, before we read the Bill a second time, otherwise it might lay us under an Obligation to reject it.

Then the House adjourned till tomorrow Morning Nine of the Clock.

Saturday March 1st The House met again. Present The honōble William Smith Esq^{re} presid^{t} of his Majesty's Council.

The honōble { Nath^{l} Rice, Robert Halton, Eleazer Allen; Mathew Rowan, Edward Moseley, Cullen Pollock } Esq^{rs} &c

Received the following Message from the Lower House Viz^{t}

Saturday March the 1st

TO THE HONŌBLE THE UPPER HOUSE.

In answer to your Message of yesterday we shall beg leave to acquaint you that we think we cant in common Justice to Our Country make any addition to the sum allowed the Secretary or Clerk of the Council & provost Marshal which we hoped would have been Satisfactory.

We have agreed to putt the sum of Two thousand five hundred Pounds charges for stamping the New Currency, as also Six hundred pounds Charges for stamping the Ten Thousand pounds, to the estimate, which we herewith send you By Order

JOS ANDERSON C^{lk} Gen^{l} Ass:

Sent by Do^{r} Maule, M^{r} Roberts.

Read a Second time a Bill for making and Emitting the sum of £10,000 & passed with amendments.

Read a third time a Bill for granting to his Majesty the sum of £14150.3.2 for the Service of the Publick of this province and for laying a Tax on the Inhabitants of the same for the payment thereof; and for stamping the sum of Ten thousand pounds Bills of Credit for the more imediate discharge of part thereof, and passed.

Ordered that the same be Engrossed.

Read from the Lower house a Message which had for some time layne on the Table Viz^{t}.

Thursday ffebruary the 13th

To His Excellency the Governour and Council.

Whereas Colonel Thomas Swann Treasurer for Pasquotank Col^{o} Thomas Pollock Treasurer for Bertie Precinct and John Baptista Ashe Esq^{r} Treasurer for New Hanover Precinct are Dead

This House recommends to his Excellency the Governour & Council the following Persons to be Treasurers in their Room Viz^{t} M^{r} James Castelaw or M^{r} James Lockhart for Bertie, M^{r} John Relph or M^{r} Cornelius Relph for Pasquotank precinct, Eleazer Allen Esq^{r} or M^{r} Samuel Swann for New Hanover precinct, sent to the Upper House for concurrance. By Order JOS: ANDERSON C^{lk} Gen^{l} Ass:

By M^{r} Sam^{l} Swan, M^{r} Lee

Upper House March 1st 1734. [1735]

Read in the Upper House and Concurred with and have only added M^{r} Gabriel Burnham in the room of M^{r} John Relph

By Order R. FORSTER C^{lk} Up House.

Received the following message from the Lower House Viz^{t}

March 1st 1734. [1735]

To the Honōble the Upper House.

Whereas it appears by the report of the Committee for receiving the publick Moneys, that there are several persons, who have sums of Money in their hands due to the publick and have not paid in the same; It is ordered that the Clerk of the General Assembly give Publick Notice in Writing to such persons to attend at the next Assembly and pay in the same By Order JOS: ANDERSON C^{lk} G: Assem:

Sent by M^{r} Denman, M^{r} Skinner for Concurrance

Which was read and Concurred with in the Upper House.

Received the following Message from the Lower House Viz^{t}

March 1st 1734. [1735]

To the honōble the Upper House.

The Committee appointed by both Houses to receive the publick Moneys from the several precinct Treasurers Powder receivers and others, Report that they have received the several Sums therein mentioned, which we send herewith.

Which report is approved of and Resolved that the New Money in the hands of the said Committee shall be applyed to the paying the several Members of both Houses for their service and attendance in this Session; except such Members as shall be in arrear to the publick, who shall discount the same in his wages as farr as they will go towards making up such arrears and if any money shall remain after the payment of the said Members, it shall be applyed towards paying the other Claims; and that his Excellency the Governour be desired to issue his Warrant to the said Committee to pay the same accordingly; We desire your Concurrance thereon. By Order JOS: ANDERSON Clk Genl Ass.

Sent by Mr Dawson, Mr Long

To which this House sent the following Answer, Vizt

Mr Speaker and Gentlemen,

In answer to your Message Concerning the Appropriation of the New Money now in the hands of the Committee of both Houses, We are of Opinion that his Excellency the Governour be imediately paid the sum of £1300—given to him by the Act for emitting the sum of £10000 and that the rest of the Money be paid to the Members of both Houses as farr as it will go in proportion to the allowance given by an Act for payment of the Assembly during their Sitting. By Order

R: FORSTER Clk U: H:

Which message the lower house returned with the following endorsement Vizt

March 1st: 1734. [1735]

Concurred with in the Lower house, only such members that are indebted to the publick, their wages shall be discounted out of their debt.

By Order JOS: ANDERSON Clk Genl Ass.

Sent by Dor Maule, Mr Swann

GABRIEL JOHNSTON.

His Excellency the Governour came to the Upper house and Commanded the attendance of the General Assembly, who came in a full Body, and his Excellency the Governour was pleased to give his Assent to the following Laws, Vizt

An Act for stamping and exchanging the present Bills of Currency of this provice and for the better explaining an Act of the General Assembly passed the 27th day of November 1729, entituled an Act for the making and Emitting the sum of ffourty thousand pounds publick Bills of Credit of North Carolina.

An Act for repealing a Clause in an Act entituled an Act relating to Biennial and other Assemblys, which empowers Freemen of the several precincts to Vote for Members of Assembly, and declaring what persons shall be qualified to Vote for Members to sit in General Assembly, and Also Qualification of Members for the future.

An Act for reviving an Act, entituled an Additional Act to the Act for Tryal of Small and Mean Causes.

An Act for Laying a duty on Liquors for and towards defraying the contingent Charges of the Government; and to make a poll Tax on the poorer Inhabitants more Easy

An Act to ascertain the Allowance of his Majesties Council and the Members of Assembly of this province.

An Additional Act to the Act concerning Roads & Ferrys.

An Act for laying out, making, altering & keeping in repair the several Roads and highways within the several precincts of the County of Bath; and for building Bridges, cleansing and keeping clean the several Rivers and Creeks within the same.

An Act to confirm and Establish the precincts of Onslow and Bladen; and for appointing the same distinct Parishes.

An Act for granting to his Majesty the sum of fourteen thousand one hundred and fifty pounds three shillings and two pence for the service of the publick of this province, and for laying a Tax on the Inhabitants of the same for the payment thereof; and for stamping the sum of Ten thousand pounds Bills of Credit for the more immediate discharge of part thereof.

Mr Speaker then presented to his Excellency the Governour an Address of the Lower House of Assembly relating to the Quit rents, which was read in the following words, Vizt

North Carolina—ss.

To his Excellency Gabriel Johnston Esqre Captain General and Governour in Chief in and Over the said Province.

The humble Address of the Lower House of Assem̄.

We the Representatives of this province beg leave to lay before your Excellency the state of this province in relation to Our Quit Rents, and the manner of paying the same, from the first settlement thereof [to] this

time; when the right of this Province became vested in the Lords Proprietors by the 2d Charter granted by King Charles the second. The proprietors or their deputys for them, then, might grant Land to any persons at such rent as they could agree on; and also by the said Charter the proprietors or their deputies, with the assent of the ffreemen of this province, or their representatives were to make Laws binding as well on the said Lords Proprietors as on the People. The Proprietors then directed their Governour and Council here to grant Land to any person in Albemarle County on the same tenure that Land was then held in Virginia, as plainly appears by their Grand deed; which was then at two shillings ℔ hundred Acres, in Tobacco, at One penny ℔ pound, as appears by the law of that Colony; but when that was found impracticable by reason of the Land here in General would not produce Tobacco so well as the Land in Virginia, the quit rents then become payable in other Commodities, at certain rates; at which rates those Commodities were constantly received at every Mans House, and the payments never refused by the proprietors, as is alledged. In the Year One thousand seven hundred and Twelve, The proprietors sent directions to their Receiver General how he should dispose of those Comodities for their Interest; By this it appears, that not only the Lords Proprietors deputies with the Representatives of the people have settled the quit rents payable in Our Commodities at certain prices, which seems according to the Charter to be Conclusive, but also there is the proprietors Assent thereto, directing as aforesaid, how the Receiver General should dispose of those Commodities; which in Our humble Opinion makes the payment in Commodities indisputable: besides, if all Our Laws were void, only the grand deed to be a guide for the payment of Our Quit rents, we were by that deed, as was said Before, to hold Our land in Albemarle County on the same terms and Conditions, that Land was then held in Virginia, which was at two shillings every hundred Acres payable at the tenants house, either in Tobacco at one penny ℔ pound, or Cash at the Election of the Tenant, so that the rents in Virginia were payable in Tobacco at that time, & Consequently by the grand deed.

We are very much concerned to see yr Excellency's Proclamation commanding us to pay in Sterling Money or in Bills at the difference that your Excellency and Council shall be pleased to Assess; which we humbly conceive is contrary to Our Laws, Customs and even to the Conditions of the Grand Deed, & must inevitably terminate in the ruine of many of the inhabitants of this province, both with respect to the manner of collecting the rents, and the distresses that may ensue thereupon.

Wherefore we humbly pray your Excellency would be pleased to issue out a proclamation, directing the Officers, who are appointed to collect

the quit rents, to proceed in the said Collections, according to the Laws and Customs of this Province, and that no distress may be made upon his Majesty's poor tenants, contrary to the same untill a Law shall be passed directing some other Method for collecting the said Rents, more agreeable to his Majesty's Instructions, and as much as may be for the ease of his Majesty's Tenants, which we were in hopes would have been done by the Bill we offered this Session; and that your Excellency would be pleased to give a further time for the payment of Arrears, which does not become due by any default of the Tenants refusing to pay those Rents, but in the officers Neglecting to collect and receive the same.

His Excellency the Governour was pleased to make the following Speech to Both Houses Viz^{t}

GENTLEMEN,

I find by your management while the Quit rent Bill was depending in your house, by this address and by your whole behaviour, that you have entertained very old and unaccountable Notions of his Majesty's rights & your own priviledges.

As I have made it my business to study the Constitution of this Country ever since I had the honour to serve the King in this Station, by perusing all the records belonging to y^{e} Province both here and in London, I think it my duty, now this Assembly is to seperate, to rectify some of your mistakes; and what I have now to say, ought to have the more weight with you as it is spoken in a fair Open manner, and as it is to stand upon record & to be perus'd by Our Superiours at home; so that if I advance any thing but what is strictly true, I can't fail of being detected I shall beginn with giving you a True and just account of what you are pleased to call the Grand Deed: It is certainly true that the late Lords Proprietors did, in the Year 1668, by an authentick deed under their hands & Seal grant their Lands to the then Inhabitants of Albemarle County for quit rents to be paid in the same manner as in Virginia; If you have a mind to call this Instrument the Grand Deed, with all my heart I have no Objection to it, I wont quarrel with you about Names; I shall only observe to you that this deed neither in its own nature, nor by any clause in it, can ever be reckoned irrevocable. And I do assure you that it was actually revoked in the Year 1670, by another Deed equally authentick, & containing full as strong Clauses as that granted two years before; and the Originals of both these Instruments are now in their Books at the Board of Trade by this latter deed, all such as for the future took up Lands in Albemarle County were to

pay as reserved Rent in the Coin of England to their Lordships, One half penny p^{r} Acre, which amounts to 4^{s} 2^{d} sterling ℔ One hundred Acres.

Now Gentlemen if you are for determining this affair by Deeds passed under the Lords proprietors, let us go to work fairly, I am very willing that all the Inhabitants of this Country, which hold their Lands under any grants made before the year 1670 shall pay their Rents in the same manner as they did in Virginia in the year 1668, whatever way that may be; but then it is but equal and just that all who hold Lands in this Country under grants since the year 1670 should pay four shillings and two pence p^{r} 100 Acres; and I am of opinion that his Majesty will be no great looser by this; but if you fancy that where there are several Instruments or Deeds, you are at liberty to pick out One of them which makes most for your own advantage and by Christening it by the Name of the grand Deed or Charter, you can destroy the force of all the other deeds which makes for the advantage of your Land Lord, you will find yourselves miserably out in your reckoning:

The Kings Ministers at home won't be used so like Children, so that upon the whole, without having recourse to any deeds whatsoever, it will be the safest rule for the Inhabitants of Albemarle County to pay two shillings Sterling per 100 Acres for all Land held before his Majesty's purchase.

Now Gentlemen as to your Laws: It is y^{e} great happyness of all his Majestys subjects in every part of his Dominions, and I hope it always will be so, that they are Governed by Law, and not by the Arbitrary Will and pleasure of any person whatsoever; & as in all free Countrys, Law is the Rule and Standard both for those who govern and those who are Governed, great care is taken that there should be some known, settled and established methods and forms of Enacting, passing and promulgating all Laws: These methods are different in different Countrys; in this country the method is well known and very distinctly laid down. When a Bill had passed both Houses, it was sent home, and if in two Years it was ratifyed by the Lords proprietors, and this Ratification notified publickly at the next Biennial Assembly, then and never till then, it passed into a Law; if in two Years it was not ratifyed, it became null & void of Course: This is so notoriously the Case, that it is repeated above ten several times in your Journals, in the most strong and expressive manner that words can make it. Now Gentlemen, if you will shew me any Law which regulates and directs the payment of quit rents and has gone thrō all these necessary forms, I will submit to it with all my heart, and nobody shall more Scrupulously adhere to it; but

until you do this, you must give me leave to think that there is no other Law in this Province with regard to the method of paying the Kings Quit rents of any force except what is Common to all his Majesty's Tenants in every part of his Dominions, that is the Crown Law which is Executed by his Court of Exchequer, a Law w^{ch} thō it does speedy Justice against those who refuse to pay the King his dues, can never hurt any Tenant y^{t} pays his rents punctually. As for those Acts of Assembly which direct the payment of Commoditys, and rate them at a Certain price; as they were never ratifyed, as they never had your Landlords (who were one of the contracting partys) Consent, if I should pay any regard to them (as I believe I never shall) I am sure they would be rejected at home with Indignation; farr less shall I pay any regard to such stragling Instructions of their Lordships receivers in former times, which may be pick'd up to serve a Turn now; for these only shew how much the Lord proprietors were straitned to come at their own, that they were forced to try every method to see if they could get any returns from their Lands, and when they found that by the treacherous combination of their Officers with their Tenants they could make no profitt of their Estates, they were forced to sell the Soyl of the province to the Crown.

Now, Gentlemen, if you think such shallow Evasions as these, such Acts of Assembly as were never ratified, & consequently can by no propriety of Speech be called Laws, or One Accidental Instruction to a Receiver, are a Solid foundation for you to contend with the Crown of Great Britain, I am sorry for it; If you will venture the Ease, the peace & Security of your Selves, your familys and Estates upon so slender a Bottom, it is no fault of mine; let them Answer for it that lead you into such an Error; it can't at all injure his Majestys rights, but it may be of fatal Consequence to you and your familys in the End.

If anybody reckons that this is very hard to the poor, that it is a harsh & severe manner of proceeding and so I have been told it has in private Conversation been represented; there is a very easy remedy for all this; Let them pay the King the arrears of his rents, and move with their familys off his Lands, & then let them go into any parts of the World and take up Lands at a cheaper rate, and where ever they settle, no doubt all good People will heartily pity the Oppression they have met with from so severe a Landlord, & that they could not hold so poor a quantity of Land as 100 Acres without being forced to pay so immense a sum as two or three shillings Yearly rent for it.

These things, Gentlemen, won't bear being talked of; it is a farce that has been too long acted under the late Lords proprietors, & if you have

not yet been told that it will not be tolerated now the King is Lord of the Soil, it is high time for me to assure you of it; & that if the arrears of his Majesty's Rents are not paid at the times and in the manner mentioned in the proclamation, distraint shall be made for them: but if any dislike the terms, or can find Land at a lower rate any where else, he has nothing to do but relinquish his Majesty's Lands in this province, for such other persons as will comply with his terms, and I am under no manner of Apprehension, but his Majesty will find tenants for all the Lands he has to dispose of.

This, Gentlemen, is using you in no other manner than you your selves, or any other Land Lord may use his Tenants, without doing them any Injustice, or even hardship, and if either you your selves have imbibed or some designing persons have instilled any notions into you, which make you believe that the king hath not as much power, as just a right to, dispose of his own property & to grant his own Lands, as you have in your private Estates which you hold under him, it is high time to undeceive you. For my own part, as I am bound by my Oath, my Honour, and all the Tyes that are Sacred among Men, I will see Justice done to the King in his Revenues, let the Consequences be what they will: And as you have taken the Liberty to mention my Instructions, I am not sensible that I have in the least departed from them, except in taking Bills of Currency at a proper discount for Quit rents, instead of Gold & Silver without his Majesty's leave; a step I took out of tenderness to you, & which I am like to have small thanks for here, and I am afraid I shall have still less at home.

But the most extraordinary insinuation in your address is, that by the Charter of King Charles the second y^e^ deputys of the Lords proprietors, with the Assent of the Assembly could make Laws binding on the Lords proprietors, as well as the people, I have perused the Charter you referr to, often & the only Clause relating to the manner of making Laws is what follows:

"And also to ordain make & Enact and under their (that is the Lords "proprietors) seals to publish any Laws and Constitutions whatsoever "according to their best discretions by and with the advice assent and "Approbation of the Freemen of the said province, or of the greatest "part of them, or of their deputys or delegates, whom for Enacting the "said Laws when and as often as need shall require, Wee will that you "(that is the Lords proprietors) shall from time to time assemble.

It is plain from this, that by the Charter, the first essential requisite to the making of a Law was, that it should be published under the Lords proprietors Seals. If you think to evade this by saying that by their

deputys they did publish it under their Seals, I must once more remind you that they always did reserve this power to themselves, of ratifying such Bills as past in the two Houses here before they past into Laws, & that this ratification should be publickly declared at the next Biennial, so that in the matter of passing Laws it was not an Absolute but a Limited power, which their deputys were invested with, & the Limitation expressed in the most strong direct and Explicite terms that possibly could be.

After all, Gentlemen, it is a shame there should be any necessity for saying so much on so plain a point; for plain it is notwithstanding all the pains taken to perplex it by a few Men who have no hopes of Screening themselves or having their Crimes pass undetected, but by keeping the Country in the same embroiled and unsettled Condition, which first gave them an Opportunity of Committing their frauds; by men who have more squeezed and Oppressed their fellow Subjects, and got more money for themselves and relations by the Sale of Lands since the Year 1728, than the Lords proprietors got during the whole sixty years they were in possession; & yet have the insolence to foment and raise an unjust clamour against the King, for demanding what he has honestly and fairly purchased, & paid for, and what he designs should be held by his Subjects at moderate and easie Quit rents, and not at such exorbitant and unconscionable prices as they, contrary to all Law and Justice, extorted from poor industrious people.

GENTLEMEN OF THE COUNCIL.

I return you my hearty thanks for the great regard you have shown in all your proceedings to his Majestys service and the publick good.

As for you Gentlemen of the House of Burgesses if you have left anything undone for the Service or benefit of the people you represent, for the Trade, quiet and prosperity of the Country, you cannot justly blame me for it; you cannot pretend that in any of your Consultations or proceedings you met with the least interruption from me; I hate all measures which must appear harsh or severe, and could therefore have wished you had made the Collection of the Kings rents easy to you and your fellow subjects; But as you have not, I have declared my intention and will do my duty.

I do prorogue this Assembly unto the first day of July next, & this Assembly is accordingly prorogued.

A True copy Examined.

By ROB^{t} FORSTER C^{lk} Upp^{r} House.

NORTH CAROLINA—ss.

At a General Assembly begun and held for the said Province on Wednesday the 15th day of Janry 1734 [1735] and continued by several Adjournments 'till the first day of March next following.

MEMBERS RETURNED.

Chowan.	Perquimans	Pasquotank.
Collo Henry Bonner	Mr Zebulon Clayton	Mr Gabr Burnham.
Mr Thomas Luten	Mr Samuel Swann	Mr Chas Sawyer
Mr Wm Badham	Mr Charles Denman	Mr Jeremas Symons.
Mr Henderson Luten	Mr Richd Skinner	Mr Caleb Sawyer
Doctr George Alleyn	Mr Joshua Long.	Mr Danll Sawyer

Curatuck	Bertie	Tyrrell
Mr Thomas Lowther	Mr James Castelaw	Capt. Willm Downing
Mr John Etheridge	Mr Arthr Williams	Mr Stephen Lee.
Mr John Caron	Mr George Wynn	
Mr James Chetham	Mr John Dawson	
Mr Thomas Williams	Mr John Harrold, Mr John Hodgson } Equall Votes.	

Edgcombe	Beaufort	Hyde.
Collo Jas Millikin	Majr Robt Turner	Mr Samuel Sinclare
Majr Barny McKinnie	Doctr Patr Maule	Mr Thomas Smith

Craven	Carteret	New Hanover
Mr Willm Handcock	Mr Thomas Lovick	Mr James Swann
Mr George Roberts	Mr Arthur Mabson	Mr Job How.

Onslow.	Bladen.	Edenton.
Mr James Foyle	Mr Hugh Blaning	Mr Chals Weybeere
Mr Charles Harrison	Mr John Dolleson	

Bath Town.	Newburn Town.
Mr Roger Kenyon	Mr Walter Lane

And upon said Return appeared Collll Henry Bonner, Mr Thomas Luten Mr Willm Badham Mr Henderson Luten Doctr George Alleyn Mr Charles Denman Mr Richard Skinner Mr Joshua Long Mr Gabriel Burnham Mr Charles Sawyer Mr Caleb Sawyer Mr Daniel Sawyer Mr James Castellaw Mr George Wynn Collo James Millikin Major Burnaby McKinnie Capt. William Downing Mr Steven Lee Mr Samuel Sin-

clare Mr Charles Harrison Mr Charles Westbeer and Mr Hugh Blaning.

There not appearing a Majority of the house the Members adjourned 'till tomorrow Morning.

Thursday January 16th The Members mett according to Adjournment.

Joseph Anderson produced here a Commission from his Excellv the Governor appointing him Clerk of the General Assembly which was read and accordingly Received.

A Message was sent to his Excellv the Governor that several Members of his house being met are now ready for their Qualifications.

By Order JOS: ANDERSON Clk Gen: Assem.

Sent by Coll Bonner, Mr Thoms Luten

Whereupon Mr Secretary Rice and Eleazer Allen Esqr Members of Council Immediately came and administered the several Oaths and Test by Law appointed for the qualification of Publick Officers to the several Members that appeared yesterday also unto Mr Arthur Williams Major Robt Turner Mr George Roberts Mr Samuel Swann Mr Job How and to Joseph Anderson the Clerk of this house who severally took and subscribed the same

Sent the following Message vizt

To his Excellv the Governour.

The House being now qualifyed are ready to wait on your Excellv for your directions in the Choice of a Speaker.

By Order JOS: ANDERSON Clk Genl Assem.

Sent by Mr Badham, Mr H Luten.

The Messenger of the Upper house came to acquaint this house that his Excellv the Governour was ready to receive them.

Whereupon the house in a full body waited on his Excellv at the Council Chamber who directed them to choose their Speaker and that he would be ready to receive him tomorrow at ten of the Clock in the Morning.

The house thereupon returned and unanimously Chose Capt. William Downing their Speaker.

Then the house adjourned 'till tomorrow Morning.

Fryday January 17th. The house Mett according to adjournment.

A Message came from the uper house acquainting this house that his Excellv was ready to receive the Speaker. Whereupon the house in a full body waited on his Excellv at the Council Chamber.

Who approved of the Speaker and made a Speech which the house obtained a Copy of and then returned where the same was read in these words:

[For the Governor's address see Journal of Upper House.—EDITOR.]

A Message was sent to his Excell^{y} the Governour that several Members of this house have this day appeared and wait for their Qualification.

By Order JOS: ANDERSON C^{lk} Gen^{l} Assembly.

Sent by Doct^{r} Alleyn, M^{r} Denman.

Whereupon M^{r} Secretary Rice and Eleazer Allen Esq^{r} came and administered the several Oaths and Test by Law appointed for the Qualification of Publick Officers unto Thomas Lowther John Caron & Roger Kenyon who severally took and subscribed the same.

Then the House Proceeded to Enquire into Controverted Elections and Returns and the Marshall who took the Poll for Bertie precinct Returned for the fifth Member John Hodgson and John Harrold equal Votes the said Poll being duly examined and the Allegations of both partys heard and fully understood the house is of opinion that the said John Harrold is the Member legally chosen to sit.

Whereupon a Message was sent to his Excell^{y} the Governour to appoint such Members of the Council as he thought proper for his qualification and there came M^{r} Secretary Rice and Eleaz^{r} Allen Esq^{r} and administered the several Oaths and Test unto the said John Harrold who took and subscribed the same.

Adjourned 'till tomorrow morning.

Saturday January 18th The house met according to adjournment.

Ordered that Doctor George Alleyn M^{r} Charles Denman M^{r} Gabriel Burnham M^{r} Thomas Lowther M^{r} James Castellaw M^{r} Robert Turner M^{r} George Roberts and M^{r} Samuel Swann to be a Committe to consider his Excell$^{y's}$ Speech and draw up an Answer thereto. The Petition of M^{r} Maurice Moore to this House was read setting forth that at the last Election of Members to sit in General Assembly for the Precinct of New Hanover at Brunswick Town in the said Precinct he had the Majority of Votes but the Marshall who took the Poll returned M^{r} Job How and the Poll being here duly examined and the Allegations as well of the said Job How as the said Maurice Moore been heard and the same fully considered it is the Oppinion of this House that the said Maurice Moore is the legal Member by Majority of Votes. Chosen to sit.

The House adjourned 'till Monday.

Monday January 20th The house met according to adjournment. The following Message was sent to the upper house vizt

To the Honble the upper house of Assembly now sitting

Several of the Members returned to sit in General Assembly have this day appeared and wait for such Members of the upper house as his Excellcy the Governour hath been pleased to appoint for the qualifying the Members of this house. By Order

JOS: ANDERSON Clk Genl Assembly

Sent by Mr Burnham, Mr Sawyer

Whereupon Eleazr Allen Esqr came and administered the Several Oaths & Test unto the said Members vizt Mr Maurice Moor Jeremia Symons Arthur Mabson and Walter Lane who severally took and subscribed the same.

A Petition from the Inhabitants of Curratuck precinct was read setting forth that Thomas Lowther or some other person stifled the writt of Election so that due notice was not given them thereof the same being heard and none of the Complainants appearing to make good the Charge, It is here by the house Ordered that the said Petition be rejected.

Mr Samuel Swann one of the Members Returned for Perquimans Precinct this day & appearing a Message was sent to such of the Members of the upper house as his Excellcy the Governour was pleased to appoint to qualify Members of this house Whereupon Eleazr Allen Esqr came and administered the several Oaths and Test unto the said Saml Swann who took & subscribed the same.

The Committee appointed to answer his Excellcy the Governour's Speech made report that they had duly considered the same and agreed to a draft of a report which was read and laid [on] the table the said report being by the house approved of and ordered that the same be fairly engrossed by to-morrow at Eleven of the Clock.

Resolved That Collr James Millikin and Mr Samuel Sinclair wait on the Reverend Mr John Boid Missionary in this Province and give him the thanks of this house for performing divine Service and preaching a Sermon before his Excellcy the Governor the Council and General Assembly suitable to the Occasion yesterday.

The house adjourned 'till tomorrow morning.

Tuesday January 21st The Committee appointed to answer his Excellcy's Speech having fairly engrossed the report was again read and Voted Nemine Contradicente that the same be accepted which is as followeth Vizt

To his Excell^{y} Gabriel Johnston Esq^{r} Captain General Governour and Comander in Chief in & over his Majesty's Province of North Carolina and Vice Admiral of the same.

The humble address of the lower house of Assembly of the said Province.

We his Majestys most dutyfull and Loyal subjects Members of the lower house of Assembly do with the greatest pleasure Embrace this first oppertunity of Congratulating Your Excell^{y} safe arrival into this Province and with most greatful hearts acknowledge the Royal goodness of our Sovereign shewn unto us in appointing a Gentleman of your Excell$^{y's}$ qualifications and Consumate goodness to be our Governour which has effectually delivered us from a State of Tyrrany and Oppression.

We must beg leave to return your Excell^{y} our most unfeigned thanks for your kind expressions for our Welfare in your Speech to both houses at the opening of this Session and for the particular concern your Excell^{y} expresses at the disorders and confusion you found this poor unhappy Country under which nothing but the happy arrival of your Excell^{y} could remedy for when his Majesty's Council and Patent Officers were by Violence expelled the Country and Men of most profligate Characters placed in their Room when the Superiour Courts and other Courts of Judicature were in a great measure filled with the Men of gross Ignorance and known partiality what but Misery and ruin could be expected from so corrupt Administration nor are these dismal consequences barely grounded on reason only but experience some well meaning and honest persons of undoubted good Characters being obliged to desert their habitations or subject themselves to be prosecuted as Rioters or what other hard and injurious Titles those Profligate usurpers were pleased to give the best of Actions even that of appearing ready to defend the Laws of their Country and supporting his Majesty's Authority Invested in his Officers.

We have no cause to doubt your Excell$^{y's}$ puting a Singular mark of distinction on such persons who were so ready to support arbitrary and unjust Government hitherto unknown to the British Constitution. We return your Excell^{y} hearty thanks for Imediately calling an Assembly your readyness to redress Publick grievances your Abhorrence of the late Vile Practices and the Authors of them all which gives us the strongest hopes that the distracted State of this poor province will be hapily settled under your Excell$^{y's}$ administration.

We are (may it please your Excell^{y}) very ready to fall into any Method shall be proposed towards paying our Quit rents and in such a Maner as

can consist with the abilitys of his Majesty's Poor Tenants which we doubt not will remove all Scandalous reflections cast upon the Assemblys of this Province the bad State of Our Currency is in a great Measure owing to the late corrupt Administration who neither would suffer the Annual Collections to be made as in the Act was directed nor those Vile Persons who counterfeited them to be prosecuted for we are persuaded that had the yearly payments to each respective Treasurer been made and those Profligate Persons punished who counterfeited them there would be scarce a sufficiency to answer the contingent Charges of the Government, we are very ready to concurr with your Excell^{y} and his Majesty's Council to Remedy this evil as also to give such ample Encouragement to Navigation and raising such Manufactures as may open a Trade to Great Britain and some other the British Dominions. No Laws (May it Pleas your Excell^{y}) can be made Effectual in any Country to suppress Riots when the Chief Magistrate is the Principle Rioter but that objection being now removed we are ready to pass any Laws shall be judged necessary to put a stop to future attempts of that nature. The distracted State of this Government will not allow us to make provision for your Excell^{y} suitable to your Merit & dignity but we hope the Assembly of Carolina will at all times so behave themselves to his Majesty's Governour and other Officers and contribute towards their Honourable support as may evidently prove that they have nothing more at heart than the honour and dignity of the Crown and the happyness of the subject whose Interests by the British Constitution are so Inseperably conjunct that any seperation made must terminate in the ruin of both and shall at all times look on any attempt of that nature made and its Authors with the utmost Abhorrence and detestation.

WILLIAM DOWNING Speaker.

Ordered that the same be fairly transcribed for the house to wait on his Excell^{y} therewith and the same being fairly transcribed was read and examined.

Resolved this house wait on his Excell^{y} the Governour therewith Immediately.

A Message was sent to his Excell^{y} the Governour that this house is now ready to wait on his Excell^{y} with their Address in answer to his Excell$^{y's}$ Speech. By Order

JOS: ANDERSON C^{lk} Gen^{l} Assembly.

Sent by M^{r} Wynn, M^{r} Dawson

A Message came from the upper house acquainting this house that his Excell^{y} was ready to receive them at the Council Chamber.

Whereupon the house in a full body waited on his Excell^{y} and after having presented him with their address in Answer to his Speech, he made the following Answer to wit

Gentlemen I return you hearty thanks for your dutyfull and kind address The great regard you express for his most Sacred Majesty and your Strong Assurances of Contributing your share to the redressing the grievances of this Country give me great satisfaction you may Intirely depend upon my ready Assistance and concurrence in every thing that can establish the Peace promote the Trade and Increase the Riches of this Province. GAB: JOHNSTON.

Thomas Williams and James Foyle Two of the Members of this house appearing a Message was sent to such Members of the upper house as his Excell^{y} was Pleased to appoint to Qualify the Members of this House Whereupon Eleaz^{r} Allen Esq^{r} came and administered the several Oaths and Test by law appointed for the qualification of publick Officers.

Ordered that M^{r} William Badham M^{r} Gabriel Burnham M^{r} James Castellaw M^{r} Arthur Williams M^{r} Stephens Lee M^{r} Robert Turner M^{r} Samuel Sinclair M^{r} George Roberts M^{r} Maurice Moore and M^{r} Samuel Swann be a Committee to joyn with a Committee of the upper house to conferr on a bill for an Act to be Intituled an Act to regulate and ascertain the payment of quit rents an Act for Establishing & fixing Circular Courts and an Act for Regulating the Currancy. And that a Message be sent to the upper house thereof By Order

JOS: ANDERSON C^{lk} Gen^{l} Assembly

Sent by M^{r} Harrold, M^{r} Lee.

On motion of M^{r} James Millikin in behalf of the Inhabitants of that part of Bertie Precinct that lyes on the South Side of Roanoke River that a bill for an Act to be preferred to this house for Establishing that part into a precinct by the name of Edgcombe also on the Motion of M^{r} Maurice Moore in behalf of the Inhabitants of Onslow and Bladen that a bill be preferred to confirm them into seperate precincts which Motions are granted.

Ordered that the publick Treasurers accounts and all other concerned with publick Moneys be laid before this house on or before the fourth day of next month and Ordered that the several and respective Treasurers in each Precinct the Powder Receivers of each Port and all others concerned therein be by the Seargeant Notifyed thereof. Received a Message from the upper house viz^{t}

In Answer to your Message this house have appointed M^{r} Secretary Rice Eleazer Allen and Cullen Pollock Esq^{rs} a Committee on the affairs

you mention to joyn those of your house who are ready to attend Immediately By Order R. FORSTER C[lk] upper house.

A Message was sent to his Excell[y] the Governour Viz[t]

MAY IT PLEASE YOUR EXCELL[Y]

Your Excell[y] in your Speech have been pleased to mention that some of your Instructions are to be communicated to this house.

Therefore if your Excell[y] shall think any of these Instructions needfull to be laid before us towards forming severall bills that are now proposed or any that may hereafter be. We are desirous to have them now laid before us. By Order

JOS: ANDERSON C[lk] Gen[l] Assembly

Sent by M[r] Turner, M[r] Sinclair.

Upon Return of the said Message his Excell[y] was pleased to say that a Copy of such Instructions should be laid before this house tomorrow morning.

This house having taken into their Consideration the Members returned for the New Precincts are of Oppinion that those Members are not qualified to sit in General Assembly untill these Precincts be Established and Confirmed by the Sanction of a Law. Resolved that the Persons so returned be not admitted Members of this house.

The house Adjourned 'till tomorrow morning.

Wednesday January 22[d] The house met according to Adjournment. Received a Message from his Excell[y] the Governour Viz[t]

EDENTON January 22[d] 173$\frac{4}{5}$

GENTLEMEN,

In answer to your Message of yesterday by Mess[rs] Turner and Sinclair I now Inform you that besides a repetition of the Instructions which in my predecessors were No. 19, 31, 42, 61, 63, 75, 76, 114 and which I understand are already Registered in your books I have but two more which I think proper at this time to lay before you.

N[o] 15 You are to observe in the Passing of Laws that the stile enacting the same be by the Governour Council & Assembly you are also as much as possible to observe in the Passing of all Laws that whatever may be requisite upon each different Matter be accordingly provided for by a different Law without intromixing in one and the same Act such things as have no proper relation to each other and you are more especially to take care that no Clause or Clauses be inserted or annexed to any Act which shall be forreign to what the title of such respective Act Imports

and that no perpetual Clause be made part of any Temporary Law and that no Act whatsoever be suspended, altered, revived, confirmed, or repealed by general words but that the Title and date of such Act so suspended altered revived Confirmed or Repealed be particularly mentioned and expressed.

N° 21. Whereas Acts have been Passed in some of Our Plantations in America for striking bills of Credit and Issuing out the same in Lieu of Money in order to discharge their Publick debts and for other purposes from whence several Inconveniencys have arisen It is therefore Our Will and Pleasure that you do not give your Assent to or pass any Act in our Province under your Government whereby bills of credit may be struck or Issued without a Clause to be inserted in such Act declaring that the same shall not take effect untill the said Act shall have been approved or Confirmed by us Our heirs or Successors It is also Our Will and Pleasure that you doe Immediately send an Account unto us and to our Commissioners for Trade and Plantations whither any paper bills be now currant in North Carolina and if any to the amount of what sum and what fund is provided for sinking them as likewise whither the same be at any and what discount and for what they are Currant.

Other Instructions I have to lay before you on proper Immergencys therein prescribed some of which are founded upon the supposed Obstinacy and untractableness of former Assemblys which I am confident I shall never have the Mortification to be under a necessity of producing to an Assembly so well disposed as this is to settle his Majesty's and the Country's Interest. GAB: JOHNSTON.

Pursuant to a former Order of Assembly made at an Assembly begun and held for the said Province at Edenton the 13th day of April 1731 Coll° Edward Moseley came into the house and delivered to the Speaker the Grand Deed of Albemarle County.

Peter Young produced here a Commission from his Excell^y the Governour appointing him Searjant at Arms which was read and the said Peter thereupon received And then the said Searjant produced Thomas Penrice Door Keeper of whome the house approved.

Zebulon Clayton one of the Members Returned for Perquimons Precinct appearing a Message was sent to the upper house thereof.

Whereupon Eleazer Allen Esq^r came & administered the several Oaths and Test by Law appointed for the qualification of publick officers unto him who took and subscribed the same.

The Petition of Constance Williamson was read setting forth that some years agoe She had two Negro Slaves condemned and executed by Order

& Judgment of a Court of Justice and freeholders in Bertie Precinct and only valued at eighty five pounds and no part of the said sum paid. Prayeth that this house would take her grievance into their Consideration. Whereupon it is Ordered that the same be referred to the Committee of Claims.

A bill for an Act to Establish that part which was formerly of Bertie Precinct and lyes on the South side of Roanoke River a precinct by the name of Edgcombe was read and refferred for further Consideration.

A Petition of the Inhabitants of North East Parish of Pasquotank praying that that Parish be Established into a seperate precinct was read and refferred.

Also a petition of the Inhabitants of Bear River to be Established into a Seperate precinct from Beaufort and Craven precincts was read and refferred.

The house adjourned 'till tomorrow morning.

Thursday January 23^{d} The house met according to adjournment.

Ordered that M^{r} William Badham Doctor George Alleyn M^{r} Charles Westbere M^{r} Zebulon Clayton M^{r} John Dawson and M^{r} Arthur Mabson be a Comittee to joyn a Committee of the upper house to Examine into the Publick accounts and report the same to this house.

Sent to the upper house for Concurrence.

By Order JOS: ANDERSON C^{lk} Gen^{l} Assembly.

By Col^{l} Bonner, M^{r} Tho^{s} Luten

Doctor Patrick Maule one of the Members Returned for Beaufort Precinct this day appeared and was Qualified before M^{r} Secretary Rice as also the Searjant and Door Keeper of this house.

Adjourned 'till tomorrow morning.

Fryday January 24th The house met according to adjournment.

Received the following Message from the upper house.

M^{r} Speaker and Gentlemen,

This house have appointed Edmond Porter and Eleazer Allen Esq^{rs} to joyn the Committee by you appointed to examine the Publick Accounts.

By Order. R. FORSTER C: u: h:

Upon a Motion of M^{r} Maurice Moore that the three following Bills be preferred viz^{t}:

A Bill for an Act to appropriate the Powder Money for buoying Out and beaconing the Channels. A Bill for laying Out making altering and

keeping in repair the several Roads and highways within the several precincts in County of Bath for building bridges cleansing and keeping clean the Several Rivers and Creeks within the same.

A Bill for regulating Elections and Members of Assembly.

Which motion is granted.

Adjourned 'till tomorrow morning.

Saturday January 25th Met and adjourned 'till Monday.

Monday January 27th The house met according to adjournment.

Sent a Message to the upper house in the words (to wit)

To the Honble the upper house of Assembly now Sitting

Whereas it is found necessary during the sitting of this Session that Messengers be sent to the Several Precinct Treasurers Powder Receivers and others concerned with Publick moneys it is therefore Resolved That the sum of Sixty pounds be drawn out of the Publick Treasury to defray the Charges of such Messages and that the same be lodged in the hands of the Speaker he accounting at the end of this Session how and in what manner the same is disposed and that his Excellv the Governour be desired to grant his Warrant to the Publick Treasurer for the payment thereof. Sent to the upper House for concurrence.

By Order JOS: ANDERSON Clk Genl Assembly.

By Doctr Alleyn, Mr Swann

Which Message the upper house returned with the following Indorsement Vizt

Read in the upper house & concurred with and sent to his Excellv by Mr Secrv & Edward Moseley Esqr

By Ord: R. FORSTER Clk upr House.

Assents GAB: JOHNSTON

Ordered that for the future no Message shall be received in this House from any of the Comittees unless it be by the Order of such Committees and delivered in writing by one of them.

The Committee reported to the House that they had agreed to a draft of a Bill for an Act for providing his Majesty a Rent Roll for Securing his Majesties Quit rents for remission of the arrears of Quit rents for quieting the Inhabitants in their Possessions and for the better settlement of his Majesties Province of North Carolina which is refferred for the consideration of the house.

Adjourned 'till tomorrow morning.

Tuesday January 28th The House met according to adjournment.

The draft of the Bill for an Act for providing his Majesty a Rent Roll &c. being under the Consideration of the House and after having made several Amendments thereto was read the first time and passed. Sent to the upper House. By Order

JOS: ANDERSON Clk Genl Assembly.

By Zeb: Clayton, Richd Skinner.

The House adjourned 'till tomorrow Morning.

Wednesday January 29th The House met according to adjournment.

A Bill for Laying Making altering and Keeping in repair the Several Roads and highways within the several Precincts of the County of Bath for building bridges, cleansing and keeping clean the severall Rivers and Creeks within the same Ordered that the same lye for consideration.

The House adjourned 'till tomorrow Morning

Thursday January 30th The House met according to adjournment.

Ordered That Coll Henry Bonner Mr Samuel Swann Junior Mr Zebl Clayton and Mr Samuel Sinclair be a Committee to consider of the Bill for Roads &c. in the county of Bath which yesterday was refferred for the Consideration of the House and to report the same.

The House adjourned 'till tomorrow Morning.

Fryday January 31st The House met according to adjournment.

Read a Bill for an Act for repealing a Clause in an Act Intituled an Act relating to Biennial and other Assemblys which Impowers freemen of the Several Precincts to Vote for Members of Assembly and declaring what Persons shall be qualified to Vote for Members to sit in General Assembly and also the Qualification of Members for the future the first time and Passed. Sent to the Upper House By Order

JOS: ANDERSON Clk Genl Assembly.

By Messrs Denman & Swann

Received from the upper House the Bill for providing his Majesty a Rent Roll &c. Indorsed read in the upper House and passed the first time with amendments. By Order

R. FORSTER Clk upper house.

A Bill for an Act for establishing and fixing Supream Courts in this Province and for enlarging the Power of the Precinct Courts was read the first time and passed. Sent to the upper House. By Order

JOS: ANDERSON Clk Genl Assembly.

By Messrs Long & Burnham

A Bill for an Act for establishing that part of Bertie precinct on the South Side of Roanoke River into a Precinct by the name of Edgcombe was read the first time and passed. Sent to the upper House

By Order JOS: ANDERSON C^lk Gen^l Assembly

By Messrs. Long & Burnham

A Bill for an Act for appropriating the Powder Money towards the fortifying beaconing and Buoying out the Several Ports or Channels in this Province and for Imploying of Pilotes was read the first time and passed. Sent to the upper House By Order

JOS: ANDERSON C^lk Gen^l Ass^by.

By Messrs Sawyer & Symons

Received from the upper House the following Bills viz^t

The Bill for regulating Elections & Members &c. Indorsed Read in the upper House the first time and passed with amendments.

By order R. FORSTER C^lk upper House.

The Bill for Establishing that part of Bertie precinct on the South Side of Roanoke River by the name of Edgcombe Indorsed Read in the upper House the first time and passed with amendments.

By Order R. FORSTER C^lk upper House.

Also the Bill for appropriating the Powder Money &c. Indorsed Read in the upper House the first time and passed with amendments.

By Order R. FORSTER C^lk upper House.

Adjourned 'till tomorrow Morning.

Saturday February 1^st The House met according to adjournment.

The Bill for appropriating the Powder Money &c was read a Second time and passed with amendments.

Sent to the upper House. By order

JOS: ANDERSON C^lk Gen^l Assembly.

The Bill for Establishing that part of Bertie Precinct on the South side Roanoke River by the name of Edgcombe was read a Second time and passed with Amendments. Sent to the upper House.

By Order JOS: ANDERSON C^lk Gen^l Assembly.

The Bill for regulating Elections and Members &c was read a Second time and passed with amendments. By Order

JOS: ANDERSON C^lk Gen^l Assembly.

The House adjourned 'till Monday Morning.

Monday February 3d The House met according to adjournment.

The three Bills that were read a Second time in the House on Saturday last were sent to the upper House. By Order

JOS: ANDERSON Clk Genl Assembly

By Messrs Caleb Sawyer, Danl Sawyer

The Petition of the Inhabitants of the North East Parish of Pasquotank was a Second time read for establishing that part into a Precinct with the rights and priviledges of other precincts of Albemarle County Ordered that a Bill be prepared for the same.

The Petition of the Inhabitants of Bear River was again read the consideration thereon is at the Instance of Doctor Pat: Maule refferred 'till Wednesday next.

A Bill for an Act to Confirm and establish the Precincts of Onslow and Bladen was read the first time and Passed. By Order

JOS: ANDERSON Clk Genl Assembly

By Messrs Caleb Sawyer, Danl Sawyer

A Bill for an Act to Establish a ferry on Meherrin River to Elizabeth Cheshire's was read the first time and passed

A Bill for an Act to establish a ferry on the West side of Blackwater to Thomas Page's was read the first time and passed

A Bill for an Act for establishing a ferry on Roanoke River to William Killinsworth's was read the first time and passed.

The said three bills sent to the upper House By Order

JOS: ANDERSON Clk Genl Assembly.

By Messrs Caleb Sawyer, Danl Sawyer

The Petition of Thomas Wain Darby Mr Carty Simon Foscue John Lingfield Henry Lambertion Thomas Williams Jos. Wright William Jackson and James McDaniel to be exempted from Publick Duty were read and granted and Ordered That the Clke Certify to each of them the same.

Adjourned 'till tomorrow Morning

Tuesday February 4th The House met according to adjournment.

Recd from the upper House the following Bills Vizt

A Bill for regulating Elections and Members &c. Indorsed Read in the upper House a Second time and passed with amendments.

By Order R. FORSTER Clk upper House.

A Bill for Establishing that part of Bertie Precinct on the South Side Roanoke River into a precinct by the name of Edgcombe. Indorsed Read in the upper House a Second time and passed with Amendments.

By Order R. FORSTER Clk upper House.

A Bill for confirming the Precincts of Onslow & Bladen Indorsed Read in the upper House the first time and passed.

By Order R. FORSTER C[lk] upper House.

A Bill for appropriating the Powder Money &c. Indorsed Read in the upper House a Second time and passed with amendments.

By Order R. FORSTER C[lk] upper House

The Bill for providing his Majesty a Rent Roll &c. was read a Second time and passed with amendments. Sent to the upper House.

By Order JOS: ANDERSON C[lk] Gen[l] Assembly

By Mess[rs] Maurice Moore, Sam[l] Swann

Adjourned 'till tomorrow Morning

Wednesday February 5[th] The House met according to adjournment.

Received from the upper House the Bill for Providing his Majesty a Rent Roll &c. Indorsed Read in the upper House a Second time and passed with amendments. By Order

R. FORSTER C[lk] upper House.

The Committee reported to the house that they had agreed to a draft for an Act to regulate the Currency of the Province which was read and approved of Ordered that the same be fairly transcribed.

The Petition of the Inhabitants of Bear River to be established into a Seperate Precinct from Beaufort and Craven Precincts being again read according to an Order of this House on Monday last and the arguments thereon heard and fully understood Voted that the said Petition be rejected.

A Bill for an Act Impowering the Justices of Hyde Precinct to raise a Poll Tax on the Inhabitants of said Precinct as will defray the charges in building a Court House, Prison & for Purchasing land for the Same was read the first time and passed Sent to the upper House.

By Order JOS: ANDERSON C[lk] Gen[l] Assembly.

By Mess[rs] Lowther, Caron

A Bill for an Act to Establish the North East Parish of Pasquotank into a Precinct was read the first time and passed.

By Order JOS: ANDERSON C[lk] Gen[l] Assembly.

Sent by Mess[rs] Lowther, Caron

The Bill regulating Elections and Members &c. was read the third time and passed with amendments. Sent to the upper House.

By Order JOS: ANDERSON C[lk] Gen[l] Assembly.

By Mess[rs] Lowther, Caron

A Bill for confirming Onslow and Bladen Precincts was read a Second time and passed with amendments. Sent to the upper house.

By Order JOS: ANDERSON C^lk Gen^l Assembly.

By Mess^rs Lowther, Caron

The Bill for establishing that part of Bertie Precinct on the South Side of Roanoke River into a Precinct by the name of Edgcombe was read a third time and passed. Sent to the upper House.

By Order JOS: ANDERSON C^lk Gen^l Assembly

By Mess^rs Williams, Caron

A Bill for stamping and exchanging the present Bills of Currency of this Province and for the better explaining an Act of General [Assembly] passed the 27^th day of November 1729 Intituled an Act for making and emitting the sum of fourty thousand pounds Publick Bills of Credit of North Carolina was read the first time and passed. Sent to the upper House. By Order JOS: ANDERSON C^lk Gen^l Assembly.

By Mess^rs Castellaw, Williams

The Petition of Stephen Goolde Late Powder Receiver at Port Bath was read setting forth that he was under arrest and imprisoned by M^r Burrington the late Governour for the Moneys that became due to the Publick from the said Office and by which confinement is rendered incapable of paying that debt and therefore prayeth that he be discharged of the Imprisonment and the House having taken the said Petition under their Consideration sent the following Message to the upper House to wit

To the Hon^ble the Members of the upper house of Assembly now sitting

Whereas a Petition hath been exhibited to this House by Stephen Goolde Late Powder Receiver at Port Bath setting forth that on or about the first day of August 1733 he was arrested and Imprisoned by Virtue of a Warrant signed by M^r Burrington for the Moneys that became due to the Publick from the said Office being about four hundred pounds and ever since remained a Prisoner and thereby rendered Insolvent and that he be discharged from his Confinement.

This House having duely considered the same find that the said Goolde was appointed to that Office by Governour Burrington without the consent of either Council or Assembly and that at the time of his appointment M^r Edward Salter then executed that Office by order of the Governour Council and Assembly and had given Security for the same pursuant to the directions of an additional Act to an Act Intituled an Act

for the qualification of Publick Officers and are of oppinion (that as Mr Burrington Illegally appointed him to that office and without taking Security whereby the Country is defeated of recovering the said Moneys from him being Insolvent) that Mr Burrington may be answerable for such defeciencys.

We desire your oppinion how and in what Manner this money is to be recovered and whether Mr Goolde ought not to be discharged

By Order JOS: ANDERSON Clk Genl Assembly.

Adjourned 'till tomorrow Morning.

Thursday February 6th The House met according to adjournment.

Received from the upper House the Bill for an Act for Stamping and exchanging the Present Currency &c. Indorsed Read in the upper House the first time and passed with amendments. By Order

R. FORSTER Clk upper House.

Adjourned 'till tomorrow morning

Fryday February 7th. The House met according to adjournment.

The Message concerning Mr Goolde was this day Sent to the upper House.

Adjourned 'till tomorrow Morning

Saturday February 8th The House met according to adjournment

Ordered That Collo Henry Bonner Mr Charles Denman Mr Arthur Williams Mr Robert Turner and Mr Saml Swann be & are hereby appointed to be a Committee to joyn such members of the upper House as shall be appointed to examine the account of Claims and report the Same Sent for Concurrence By Order

JOS: ANDERSON Clk Genl Assembly.

By Messrs Lee, Harrold

Adjourned 'till Monday Morning.

Monday February 10th. The House met according to adjournment.

Recd a Message from the upper House vizt

Mr Speaker and Gentl

In answer to your Message on Fryday last relating to Mr Goolde We are of oppinion that that affair be Laid before his Majesty's Attorney General to know how farr Mr Burrington is Liable for the Loss of the Money received by Goolde We shall therefore consult him upon it and send you down his opinion thereon.

And pursuant to your resolve on Saturday Last of a Committee of your House on Claims. We have appointed Mr Cheif Justice and Eleazer Allen Esqre a Committee of our house to joyn that of yours.

By Order W: SMITH President.

Ordered that Mr Turner and Mr Swann wait on the Reverend Mr John Garzia with the thanks of this House for performing divine Service before his Excellv the Governour Council and Assembly Yesterday and Voted that the Sum of twenty pounds be paid to him out of the Publick Treasury for the same and that his Excellv the Governour be desired to Issue his Warrant for the payment thereof

Sent to the upper House for Concurrence.

Adjourned 'till tomorrow Morning.

Tuesday February 11th. The House met according to adjournment.

The Bill for providing his Majesty a Rent Roll &c. was read a third time and passed with Amendments and sent to the upper House with the following Message vizt:

To the Honoble the Council

On passing the Bill from this House concerning the payment of his Majesty's Quit Rents we are concerned to find by your amendments of that Bill that you expect the People should be obliged to bring their rents to so very few places as four in so large and extensive a Province as this is a Burthen too heavy for the People to bear and such we hope his Majesty never Expects.

Rents are always payable on the Land (unless an express Agreement to the Contrary) and so the payments have been always made in this Province as well as in both the Neighbouring Governments of Virginia and South Carolina. In Virginia where the Rents are payable in Tobacoe the Collectors went about from house to house and received the same in that bulky and perishable Commodity without any Charge to the Owner of the Land and even now of Late since the year 1730 althō it is Provided by a Law in that Province that the Tobaco due for Rents shall be inspected yet allowance is made to those who pay rents by Tobacoe Inspected according to the different Situations of places some 30 ℔ per cent and none less than 10 ℔ cent by which it is very evident that the Charge of Carryage never lay on the Persons paying rents.

Wherefore we are of opinion that in the bill we now offer as we propose to pay the rents in a very few of our best Commoditys at certain places on Navigable waters without any allowance made for Carryage thereof and those places not near so many as are allowed in Virginia althō this Province is twice as large as that We shew our dutifullness to his Majesty by saving a very considerable charge and expence of Collection which we do not understand that his Majesty has either directed or expects should be done at the expence of the Inhabitants of this Province.

This Proposal we now offer to make his Majesty's Revenue by Quit Rents more Valuable we hope all will be accepted when it shall be considered that by the Ancient Laws and usage of this Province the rents were always payable in the Products of the Country and collected by the Lords propr^rs^ Officers and as Our Laws now stand the rents are payable in Nineteen different Commoditys and those at such prices as would make his Majesties Revenue much less than what we now offer as appears by the Law Intituled Staple Commodities Rated passed in the Year 1715 which Laws are agreeable to the Laws that were in force before that time as there is a Law already for appointing Registers in each Precinct in this Government and most part of the Lands already Registered especially Such as are held by Deed or Mesne Conveyance We conceived it would be both most easy as well as the most ready way for Obtaining a Rent Roll by the Method we proposed in this Bill Wherefore We hope his Majesty will graciously Accept of our best endeavours and direct the passing the bill when the same shall be laid before him.

By Ord: W. DOWNING Speaker.

The Petitions of William Jones and Robert Barnes praying to be freed from Publick Duty were read and granted Ordered that the C^lke^ Certifie to them the same.

Adjourned 'till tomorrow.

Wednesday, February 12^th^ The House met according to adjournment.

The Bill for appropriating the Powder Money &c. was read a third time and passed with amendments & Sent to the upper House.

Rec̄d from the upper House the following Message Viz^t^

M^r^ Speaker and Gent.

On reading the Bill for qualification of Members of Assembly &c. We find the preamble not fully explained as We think it ought We have therefore made some alteration in it which we send down for your Approbation before We add it to the bill this being the Last reading.

By Ord: R. FORSTER C^lk^ upper House.

Rec̄d from the upper House the two following Bills viz^t^

A Bill for establishing the North East Parish of Pasquotank into a Precinct Indorsed. Read in the upper House the first time and passed with Amendments.

A Bill to confirm the Precincts of Onslow & Bladen Indorsed Read in the upper House a Second time & passed.

The Bill for Stamping and exchanging the Present Currency was read a Second time and passed with amendments and sent to the upper House.

Also the Bill for establishing the North East Parish of Pasquotank into a precinct was Read a Second time and passed. Sent to the upper House

Recd from the upper House the Bill for providing his Majesty a Rent Roll &c. Indorsed Read in the upper House a third time and rejected with the following Message Vizt.

Mr Speaker & Gent. of the Assembly.

We are sorry to find you have after This your Last reading sent up the bill for payment of his Majestys Quit Rents so clogged that we are under a necessity of Rejecting it If you thought the places of payment as they stand in our amendments too few you had it in your power to have made it as easy to the people as you please provided you had not done it at the King's expence and in this the people in Virginia whom you quote as a Precident have Chaulked out the way for you We grant you that an allowance is made to the people in that Province paying Inspected Tobacco some thirty ℔ cent and none under ten ℔ cent according to the remoteness of their situation; but then grant it had been fair to have Taken Notice that all these allowances are made up by every Assembly to the Receiver General who receives the Crown rents (as is most just) Intire and Compleat. If you had taken any such Method as this to ease the People we should have complyed with great Chearfulness but to Prescribe to his Majesty such a manner of collecting his just rents as by the most Modest Computation will oblige him to spend one half in recovering the other is in our opinion neither better nor worse than Making an Act to oblige his Majesty to take but one half of his Quit rents and whatever hopes you may have conceived of what his Majesty expects we are well assured that he does not expect and his right to have his Quit rents paid nett into the Receiver Generals hands and as his Majesty Purchased the Soil for a Valuable Consideration and by an Act of Parliament We are confident nothing less will be accepted of. As to what you mention about the ancient Laws and usage of this Country we cannot pay any great regard to it unless you will be pleased to shew us any of them which makes for your purpose confirmed by an Authentick Deed under the hands and Seals of the Lords Proprietors for the Assemblys in former times who were their Lordships Tenants to enact that the rents should be paid in such a Manner and in such commoditys as they thought proper without ever obtaining their Lordships consent since is in our Judgment the same thing as

a Debtor telling his Creditor he will only pay him as he pleases without any regard to their Contract Such reasoning as this we are sure will never be allowed by his Majesties Ministers at home and it would we think be Trifling with them and with the People of this Province too for us to allow it it being certain that his Majesty can recover his quit rents without asking either your consent or ours.

If you Please to consult your own records of the Assembly which met in July 1712 while the Indian war was raging in the Country you will find in a Letter from the Lords Proprietors they demand that considering the smallness of their reserved rents they should be paid in the finest Silver If their Lordships expected this from the Country when it was in the most Melancholy calamitous circumstances sure his Majesty After so many years Peace and Tranquility may very justly expect the same And here we cannot but take notice of an Assertion that has been made in your House during the late administration That as the Law now stands the quit Rents are payable in Province Bills without any discount If you will only lett us know when the Proprietors ever accepted of this (and we are sure by the Nature of the thing it must be null and Void without their Acceptance) we will yield all the other points in dispute one thing we are certain of that in the year 1717 the Assembly as appears by the Records page 142 disclaimed in the most solemn manner all attempts of this nature. What Illegal concessions may have been made before the Purchase of the Crown took place by the Lords Prop^{rs} Councellours and Officers we dont at all regard it is enough to us that they were never confirmed by their Lordships and consequently not binding on the Crown which now stands in their Place. Because they betrayed the Interest of their Masters it does not follow that we must give up the just rights of his most gracious majesty. On the contrary we shall always endeavour to the utmost of our power to detect their numerous frauds by which they may have unjustly enriched themselves and their relations Injured his majesties Revenue and Plundered their fellow subjects. By Order W. SMITH Presid^{t}

Ordered that M^{r} James Castelaw M^{r} Arthur Williams and M^{r} Samuel Swann Jun^{r} consider the said Message and prepare an answer thereto and report the same to this House.

A Bill for an Act for destroying Vermine was read the first time and passed. Sent to the upper House.

Adjourned 'till tomorrow.

Thursday February 13th The House met according to adjournment. The following Message was sent to the upper House Viz^{t}

To His Excell^{y} the Governour & Council.

Whereas Coll^{l} Thomas Swann Treasurer of Pasquotank Coll^{l} Thomas Pollock Treasurer of Bertie Precinct and John Baptista Ashe Treasurer for New Hanover Precinct are dead This house recommends to his Excell^{y} the Governour and Council the following persons to be Treasurers in their room (to wit) M^{r} Castelaw or M^{r} Lockhart for Bertie Precinct M^{r} John Relph or M^{r} Corne^{l} Relph for Pasquotank Precinct M^{r} Eleaz^{r} Allen or M^{r} Samuel Swann for New Hanover Precinct.

By Order JOS: ANDERSON C^{lk} Gen^{l} Assembly.

The Bill for confirming the Precincts of Onslow and Bladen was read the third time and passed. Sent to the upper House.

Sent the following Message to the upper House viz^{t}

To the Hono^{ble} the upper House of Assembly now Sitting.

Whereas the wages for the members of the General Assembly was heretofore So small as ten shillings a day and it being found That it was not one third of the expence they were at in attendance and charge in coming and going. It is the resolve of this House that the Members of this General Assembly have and receive each Member thirty shillings p^{r} day for their attendance and the time of coming and going and that the several Members be allowed the same time as usual for Traveling Sent for concurrence By Order JOS: ANDERSON, C^{lk} Gen^{l} Assem̄.

The Committee made report to this house that they had agreed to a draft of a Bill for Laying Making altering and Keeping in repair the Several Roads and highways within the several Precincts of the County of Bath for building bridges cleansing and Keeping Clean the Several rivers and Creeks within the same which draft is approved of and read the first time and passed. Sent to the upper house.

Re$\bar{e}$d from the upper house the said Bill Indorsed Read in the upper house a first time and passed

Also a Bill for stamping and exchanging the present bills of currency of this Province &c. Indorsed read in the upper House a Second time and passed with amendments.

Adjourned 'till tomorrow Morning.

Fryday February 14th The House met according to adjournment.

The Bill for Laying Making altering and Keeping in repair the Several Roads in the County of Bath &c was read a Second time and passed. Sent to the upper House.

A Bill for an additional act to the act concerning Roads and ferrys was read the first time and passed. Sent to the upper House.

Adjourned 'till tomorrow.

Saturday February 15th The House met according to adjournment. Adjourned 'till Monday.

Monday February 17th The House met according to adjournment.

An Act for reviving an Act Intituled an additional Act to the Act for the Tryall of Small and mean Causes was read the first time and passed.

An additional act to the act for destroying Squirrels was read the first time and passed.

Adjourned 'till tomorrow.

Tuesday February the 18th The House met according to adjournment.

Reēd from the upper house the Road Bill for the County of Bath &c. Indorsed read in the upper house the Second time and passed with amendments.

A Bill for an Act for laying duty on Liquors for and towards defraying the contingent Charges of Government &c. was read the first time and passed.

A Bill for an Act for preventing the driving of hogs &c. was read the first time and Passed

The Bill for Roads in the County of Bath &c. was read the third time and passed with amendments.

A Bill for an Act to ascertain an Allowance for his Majesties Council and Assembly of this Province was read the first time and passed.

A Bill for making and emitting the sum of ten thousand pounds was read the first time and passed.

Ordered that the Bills this day read and passed together with the two bills read and passed yesterday be sent to the upper House tomorrow.

Adjourned 'till tomorrow.

Wednesday February 19th The House met according to adjournment.

Pursuant to yesterdays Order Sent the Bills that were read and passed to the upper House.

Reēd from the upper House the following Bills Vizt

The Bill for an Act to establish the North East Parish of Pasquotank into a Precinct. Indorsed Read in the upper house the Second time and passed.

The Bill for an Act to confirm the Precincts of Onslow and Bladen. Indorsed Read in the upper house the third time and passed. Ordered that the Bill be engrossed.

A Bill for an additional act to the act concerning Roads and ferrys Indorsed read in the upper house the first time and Passed with amendments.

Read the following Bills Viz^{t}

The Bill for an Act to establish the North East Parish of Pasquotank into a Precinct by the name of Johnston Precinct the third time and passed.

Also the Bill for an additional act to the act concerning Roads and ferrys the Second time and passed with amendments, and Sent to the upper house.

The Petition of Henry Journakin was read setting forth that Benj^{a} Hill obtained an Order of the Precinct Court of Bertie to Turn a Road that for many years has gone through the Plantation of the said Henry and that the said Benjamin after two or three Jurys dismissed they not agreeing to Turn the road to the Satisfaction of the said Benjamin he got another Jury who run the Road through the cornfield and Orchard of the said Henry Threw down the fence and digged up the fruit Trees to his great prejudice.

Resolved That the said Road be altered and continued as usual Sent to the upper house for concurrence. Also the following Message Viz^{t}

The report of the Comittee for examining The Publick Accounts has been read in this house and several persons now attending to pay their ballances We desire That Edward Moseley and Cullen Pollock Esq^{rs} be joyned with the Speaker of this house to examine and receive the same being the Surviving Comissioners who signed the said Bill.

By Order JOS: ANDERSON C^{lk} Gen^{l} Assembly

Which Message was returned from the upper House Indorsed read and concurred with.

Rec̄d from the upper house the Bill for making and emitting the sum of ten thousand pounds. Indorsed read in the upper house the first time and passed with amendments with the following Message Viz^{t}

M^{r} Speaker and Gent.

On reading the Bill for Making the sum of ten thousand pounds &c. Sent us this morning We have thought proper to make some amendments thereto which you will find on reading do not alter the Nature or any Effectual part of the Bill The Preamble as we have made it is matter of form only but such as is constantly used in bills of this kind in the Kingdom of Great Brittain and Ireland and most of his Majesties Plantations in America which is the reason for our Inserting it Instead of yours and which we hope you will agree to. By Ord:

NATH: RICE

Which amendment is by the house here concurred with.

The Bill to ascertain allowance for his Majesties Council &c. was recd from the upper house. Indorsed read in the upper house the first time and passed with amendments.

Adjourned 'till tomorrow.

Thursday February 20th. The House met according to adjournment.

His Excellv the Governour was pleased to send a copy of one of his Majesties Royal Instructions to him in these words Vizt

Instruction 16 You are to take care that in all acts or orders to be passed in that our Province in any case for Levying Money or Imposing fines or penalties Express Mention be made that the same is granted or reserved to us our heirs and Successors for the Publick uses of that our Province and the Support of the Government thereof as by the said Act or Order shall be directed and you are particularly not to pass any Law or doe any Act by grant Settlement or otherwise whereby our Revenue may be Lessened or Impaired without our Special Leave or command therein.

The Bill for granting to his Majesty the sum of fourteen thousand one hundred and fifty pounds three shillings and two pence for the Service of the Publick of this Province and for Laying a Tax on the Inhabitants of the same for the payment thereof and for stamping the sum of ten thousand pounds bills of Credit for the more Immediate discharge of the part thereof was read a Second time and passed. Sent to the upper house.

Also The Bill for Ascertaining allowance to his Majesties Council &c. was read a Second time and passed with amendments.

A Message was sent to the upper House in these words Vizt

To the Honoble the upper house

Upon reading the Bill for stamping and exchanging the Present Currency of this Province &c. We perceive that the Commissioners therein mentioned are to give Security in the sum of ten thousand pounds each We are of opinion they ought to give security for double the sums they are Intrusted with which will be twenty thousand pounds each We desire to know whether you will concurr with us in making that alteration in the Bill. By Order

JOS: ANDERSON Clk Genl Assembly.

Which Message was returned from the upper house Indorsed Read and concurred with in the upper house.

Ordered that Mr William Badham Mr Zebulon Clayton Mr George Roberts and Walter Lane be a Committee to Prepare an address to his Excellv the Governour in relation of the Quit Rents.

The Bill for stamping and exchanging the present Currency of this Province &c was read the third time and passed with amendments Sent to the upper house.

Recd from the upper house the following Bills Viz^{t}

The Bill for an additional act to the act concerning Roads and ferrys. Indorsed read in the upper house a Second time and passed with amendments.

The Bill for reviving an act Intituled an additional Act to the act for the Tryall of Small and Mean causes Indorsed read in the upper house the first time and passed with amendments.

The Bill for an act for destroying Vermine Indorsed Read in the upper house the first time and passed with amendments.

The Act for Laying a duty on Liquors &c. Indorsed read in the upper house the first time and passed with amendments.

Read the following Bills Viz^{t}

The Act for reviving an Act Intituled an additional [act] to the act for Tryall of Small and mean Causes the Second time and passed

The Act for destroying Vermine the Second time and passed with amendments.

Also the Bill for Laying duty on Liquors the Second time and passed. Sent to the upper house.

The Report of the Committee for considering the Message of the upper House concerning the Bill for providing his Majesty a Rent Roll &c. was read and referred for consideration.

Recd from the upper House the following Bills Viz^{t}

The Bill for an act to enable the Chief Justice or other Judges of the General Court to Try Issue in Civil causes by writ of Nisi prius in the County of Bath Indorsed Read in the upper house the first time and passed.

The Bill for Laying out making altering and keeping in repair the several Roads and highways in the County of Bath &c. Indorsed Read in the upper house the third time and passed. Ordered That the same be engrossed.

The Bill for establishing the North East Parish of Pasquotank into a Precinct Indorsed read in the upper house the third time and passed. Ordered that it be engrossed.

The Bill for regulating Elections and Members. Indorsed Read in the upper house the third time and passed. Ordered that it be engrossed.

Also the Bill for ascertaining Allowance for his Majesties Council &c. Indorsed Read in the upper house the Second time and passed with amendments.

The Bill for an additional Act to the Act concerning Roads & ferrys was read the third time and passed. Sent to the upper house.

Adjourned 'till tomorrow.

Fryday February 21st The House Met according to adjournment.

Recd from the upper house the bill for stamping and exchanging the Present currency. Indorsed Read in the upper house the third time and Passed. Ordered that the same be engrossed

Also the Bill for Laying duty on Liquors &c. Indorsed read in the upper house a Second time and Passed with amendments.

The Bill for reviving the additional act for the Tryall of Small and Mean Causes. Indorsed Read in the upper house a Second time and passed.

And the Act for destroying Vermine. Indorsed Read in the upper house a Second time and Passed with amendments.

Read the Bill for an Act to enable the Chief Justice or other Judges of the General Court to Try Issues by Writt of Nisi prius &c the first time and passed. Sent to the upper house.

Recd a Message from the upper House Vizt

Mr Speaker and Gent:

The report of the Committee of the Public accounts being before this house We desire the Publick Treasurers accounts may be Laid before us.

By Order W. SMITH President.

Whereupon The Treasurers accounts were Immediately sent.

The Bill for reviving the additional act to the act for the Tryall of Small and Mean Causes was read the third time and passed. Sent to the upper house.

Recd a Message from the upper house Vizt

Mr Speaker & Gent.

On Reading the Bill to ascertain the allowance of the Council and Assembly the third time we find you have altered the amendment made by this house which relates to Proclamation Money and confined it as at first to four for one in paper bills of this Province which amendment we can by no means agree to, the paper bills being at present at such a greater discount than you have ascertained. If you think fit to appoint a Committee of your house to conferr with that of ours on this Subject they shall meet yours as soon as you think proper.

By Order W. SMITH President.

Whereupon the following Message was sent Vizt

In answer to your Last Message concerning the Bill for Ascertaining allowance to the Council and Assembly We have appointed Doctor Geo. Alleyn M^{r} James Castelaw and M^{r} George Roberts a Committee of this House to joyn that of yours to confer on the subject matter in debate.

By Order JOS: ANDERSON C^{lk} Gen^{l} Assembly.

The Committee for examining the Publick Accounts made a report thereof to this house Whereupon the following Message was sent to the upper house Viz^{t}

To the Hono^{ble} the upper house

We by the report of the Committee for examining the Publick Accounts perceive that there is in the hands of Coll^{o} Moseley Publick Treasurer the sum of four hundred and fourty six pounds nine shillings Old Bills. We desire you will appoint a Committee of your house to joyn that of ours to examine the same and that then they be destroyed

By Order JOS: ANDERSON C^{lk} Gen^{l} Assembly.

Ordered that M^{r} Speaker and M^{r} Badham be a Committee to joyn such as shall be appointed in the upper house to examine and destroy the old Bills.

Read the two following Bills and sent them to the upper house Viz^{t}

The Bill for Laying duty on Liquors the third time and Passed with amendments.

The Bill for destroying Vermine &c. the third time and passed with amendments.

Adjourned 'till tomorrow.

Saturday February 22nd. The House met according to adjournment.

Re$\bar{c}$d a Message from the upper House That it was the resolve of that house that Cullen Pollock Esq^{r} be joyned with the Committee of this house to examine and destroy the old bills.

Re$\bar{c}$d from the upper House the Bill for ascertaining allowance for the Council and Assembly Indorsed read in the upper house the third time and passed. Ordered that the same be Engrossed.

Also the Bill reviving the additional act to the act for the Tryall of Small and Mean Causes Indorsed read in the upper house the third time and passed. Ordered that the same be Engrossed.

Sent to the upper house following Message Viz^{t}

To the Hono^{ble} the upper house.

Whereas there was an Emission of twelve thousand pounds bills of Credit in the year 1722 and in the year 1729 there was made & Emitted

the sum of ten thousand pounds to Exchange the aforesaid twelve thousand supposing two thousand of the said twelve to be Torn Lost and defaced but it now appearing that the Powder Receivers and others concerned with Publick Moneys have Several Sums of those bills first Emitted in order to defray their dues and as such bills were made Obsolete in the year 1729 We therefore desire your opinion whether such bills are to be taken in discharge of their dues by the Committee appointed to receive the same. By Order

JOS: ANDERSON C^{lk} Gen^{l} Assem:

Sent to the upper house the following Message Viz^{t}:

To THE HONO^{ble} THE UPPER HOUSE

This house is of opinion that ten shillings ℔ day current Bill Money the arrearages due to the Members of the Assembly before this Session is not sufficient for their support therefore desire your honours opinion whether it may not be enlarged by allowing them twenty shillings p^{r} day for Services in former Assemblies and not yet paid and Lying so long out of their Money. By Order

JOS: ANDERSON C^{lk} Gen^{l} Assembly

Rec̄d from the upper house the Bill for Erecting Courts of Assize Indorsed Read in the upper house the Second time and passed with amendments.

Rec̄d the additional Act to the act concerning Roads and ferrys. Indorsed February 21st 1734 Read in the upper House the third time and passed Ordered that the same be Engrossed.

Read the Petitions of Thomas Howel and Leonard Muslenwhite praying to be discharged from Taxes and dutys which are granted

Read the Petition of John Tripp setting forth that he is indebted to the Publick this Session the sum of £184 and has now paid only £35 therefore still remains in debt £149 he not having the said sum of Money at present to discharge that sum prays a further time to pay the aforesaid debt.

Whereupon the following Message was Indorsed on the said Petition and sent to the upper house for their concurrence Viz^{t}

To THE HONO^{ble} THE UPPER HOUSE

This house having considered the within Petition are of opinion that the said John Tripp pay the ballance at the next Biennial Assembly or before that time to the Precinct Treasurer where he lives which Indulgence is in consideration of the Services by him done heretofore and the honest Character he retains. By Order

JOS: ANDERSON C^{lk} Gen^{l} Assembly.

Reēd from the upper house the aforesaid John Tripps Petition Indorsed thereon Viz^{t} In the upper house Saturday February 22^{d} 1734 Read and concurred with Provided the said Tripp gives Security to pay the same at the next Biennial. By Order

R. FORSTER C: U: H:
GAB. JOHNSTON

The committee appointed to examine the account of Claims made report thereof to this house which is referred for consideration.

Adjourned 'till Monday.

Monday Febꝛuary 24th. The House met according to adjournment. Sent to the upper House the following Message Viz^{t}

To the Honōble the upper House

Whereas the Treasurers of the Several Precincts by a Law passed in the year 1729 were Impowered and directed to collect a poll tax of three shillings ℔ Poll annually 'till the next Biennial and as some of the said Treasurers have not accounted for any of the said Levys and those that have accounted have not accounted for the whole We therefore desire to have your opinion whether the Arrears of the said Taxes should not be Iīmediately Collected and be applyed to Sinking the sum of two thousand pounds old Bills passed in the year 1722 and not yet Exchanged and destroyed. By Order

JOS: ANDERSON C^{lk} Gen^{l} Assembly.

Coll^{l} Moseley produced the report of the Publick accounts to this House and prayed that the same be further examined which was accordingly done and Observe that as Publick Treasurer he is in advance for the £394.0.7 and he has delivered £446.4.6 which was destroyed he also charges 15 ℔ Cent for exchanging the same which comes to £3.7.— in all amounting to £843.12.1 and as Precinct Treasurer is D^{r} the sum of £454.10.2 So that on the ballance of both his accounts there is due to him £389.1.11^{d} therefore it is ordered that it be placed to the Estimate of the Publick debts.

We likewise find by the report of the Committee that the Loan Money is burthened with 15 ℔ Cent and the Impost with 12 ℔ Cent by the Publick Treasurers accounts which Charge We find has been customary. If your House shall think those Commissions too large we are ready to concurr with what you shall think reasonable. By Order

JOS: ANDERSON C^{lk} Gen^{l} Assembly.

The House adjourned 'till tomorrow.

Tuesday February 25th The house met according to adjournment.

Reēd the following Message from the upper house In answer to the Message of this house yesterday.

Mr Speaker and Gent.

In answer to your Message just now received we are of opinion that the Precinct Treasurers be Immediately directed to collect the arrears of Taxes due from the year 1729 and the following year It being we think an Abuse on the Publick that that Law has been complyed with.

We readily consent that such arrears when collected may be appropriated as you mention but should be glad to know a particular State of that matter as how much has been accounted for and paid of the said Tax and what remains on ballance.

Upper House February 24th 1734 [1735]

Reēd the following Message from the upper house Vizt

Mr Speaker and Gent:

In answer to your Message relating to the old Bills we are of opinion that as those old Bills were declared not to be current by an Act passed in the year 1729 they ought not to be taken in discharge of any Publick dues whatsoever but that all Persons Possessed of any such bills may bring them into the General Assembly at the next Biennial with a Claim and that they ought to be allowed.

Upper House Tuesday Febry 25th 1735

Received from the upper house the Impost duty Bill Indorsed Febry 24th. Read in the upper house the third time and passed. Ordered to be Engrossed

Sent to the upper house the following Message Vizt

To the Honōble the upper house

In answer to your Message of yesterday Relating to the Taxes due We must Observe to you that Little of the five shillings Tax in the year 1729 was Collected in the Southern parts of this Province and a small matter of the 3s Tax for the following year in both Countys.

We are of opinion that if the arrears of those taxes were to be duly Collected there would be near if not Sufficient to exchange the old bills and we conceive that the most ready and easy way for calling the said Bills in will be to direct the Several Treasurers Immediately to collect the same and exchange the said Bills out of their Several Collections. We desire your concurrence thereon. By Order

JOS: ANDERSON Clk Genl Assem.

Rec̄d the following Message from the upper house Viz^{t}

M^{r} SPEAKER & GENT:

In answer to your Message of the 22^{d} Instant relating to advancing the Claims of the former Burgesses We are of opinion that no more be allowed than was agreed on by former Assemblies that is ten Shillings p^{r} diem.

From the upper house February 25th 1734. [1735]

Sent the following Message to the upper house Viz^{t}

TO THE HONO^{ble} THE UPPER HOUSE

Coll^{l} Moseley producing the report of the Publick accounts to this house and prayed the same to be further examined and Observe that as Publick Treasurer he is in advance for the Publick £394.0.7 and he has delivered £446.4.6 which was destroyed he also charges 15 ℔ Cent for exchanging the same comes to £3.7.0 in all £843.12.1 and as Precinct Treasurer is D^{r} the sum of £454.10.2 so that on the ballance of both his accounts there is due to him £389.1.11 to reimburse him that sum wherefore it is Ordered that it be placed to the Estimate of Publick debts.

We likewise find by the Report of the Committee that the Loan money is burthened with 15 ℔ Cent and the Impost with 12 ℔ Cent by the publick Treasurers account which Charge we find has been Customary. If your house shall think those Commissions too large we are ready to concurr with what you shall think reasonable. By Ord^{r}

JOS: ANDERSON C^{lk} Gen^{l} Assembly.

Received from the upper [house] a Bill for an act for the Security of the persons who have Seated Cultivated and Improved Lands in this Province Indorsed Feb^{ry} 25: 1734 [1735] Read in the upper house the first time and Passed. By Ord^{r} R^{t} FORSTER C: U: H:

Read the said Bill the first time and passed and sent to the upper house. By ord^{r} JOS: ANDERSON C^{lk} Gen^{l} Assembly.

The House adjourned 'till tomorrow.

Wednesday February 26th The house met according to adjournment. A Message was sent to the upper house Viz^{t}

TO THE HONŌBLE THE UPPER HOUSE

This house having computed the Wages of former Assemblies as also of the present in Order to make an Estimate of the publick debts We

desire to have the Charge of the same of your house that we may finish the whole and make report thereof to you. By Order

JOS: ANDERSON C^{lk} Gen^{l} Assembly.

Received from the upper house the Bill for the Security of Persons who have seated Cultivated and Improved Lands in this Province. Indorsed read in the upper house the second time and passed with amendments. By Order R. F. C: U: H:

This house having taken into their consideration the great Charges his Excell^{y} the Governour since his arrival into this Government in Traveling from Cape Fear with his Equipage to Edenton and his expences during this Session Voted that he have and receive the sum of £1300 and that the same be placed to the Estimate of Publick Debts.

The Committee appointed to prepare the address to his Excell^{y} the Governour in relation of the arrears of quit rents made a report of a draft which was read and approved of and Ordered to be fairly Transcribed and entered on the Journals of this house which is in the words following Viz^{t}

NORTH CAROLINA—ss.

To his Excellency Gabriel Johnston Esq^{r} Captain General and Governour in Chief in and over the said Province

The humble address of the Lower House of Assembly.

We the Representatives of this Province beg leave to Lay before your Excell^{y} the state of this Province in relation to our quit rents and the Manner of paying the same from the first Settlement thereof to this time when the right of this Province became vested in the Lords proprietors by the 2^{d} Charter granted by King Charles the Second The proprietors or their deputys for them then might grant Land to any person at such rent as they could agree on and also by the said Charter the proprietors or their deputies with the assent of the freemen of this Province or their Representatives were to make Laws binding as well on the said Lords proprietors as on the People. The Proprietors then directed their Governour and Council here to grant Land to any Person in Albermarle County on the same Tenure that Land was then held in Virginia as plainly appears by their Grand Deed which was then at two shillings p^{r} hundred acres in Tobacco at one penny p^{r} pound as appears by the Law of that Colony but when that was found Impracticable by reason of the Land here in General would not produce Tobacco so well as the land in Virginia the quit rents then became payable in other Commodities at certain rates at which rates those Commodities were constantly received at every

man's house and the payments never refused by the proprietors as is alledged In the year one thousand seven hundred and Twelve the proprietors sent directions to their Receiver General how he should dispose of those Commodities for their Interest. By this it appears that not only the Lords Proprietors deputies with the representatives have settled the quit rents payable in our Comodities at certain prices which seems according to the Charter to be conclusive but also there is the Proprietors assent thereto directing as aforesaid how the receiver General should dispose of those Commodities which in our humble opinion makes the payment in Commodities indisputable besides if all our Laws were void only the grand Deed to be a guide for the payment of our quit rents we were by that deed as was said before to hold our Land in Albemarle County on the same Terms and conditions that Land was then held in Virginia which was at two shillings every hundred acres payable at the Tenants house either in Tobacco at one penny p^{r} pound or Cash at the Election of the Tenant So that the rents in Virginia were payable in Tobacco at that time and Consequently by the Grand deed here.

We are very much concerned to see your Excellency's Proclamation commanding us to pay in Sterling Money or in bills at the difference that your Excellency and Council shall be pleased to assess which we humbly conceive is contrary to our Laws Customs and even to the conditions of the grand Deed and must inevitaby terminate in the ruine of many of the Inhabitants of this Province both with respect to the manner of Collecting the rents and the distresses that may ensue thereupon.

Wherefore we humbly pray your Excellency would be pleased to Issue out a proclamation directing the Officers who are appointed to Collect the quit rents to proceed in the said Collections according to the Laws and Customs of this Province and that no distress may be made upon his Majesties poor tenants contrary to the same untill a Law shall be passed directing some other method for collecting the said rents more agreeable to his Majesties Instructions and as much as may be for the ease of his Majesties Tenants which we were in hopes would have been done by the Bill We offered this Session and that your Excellency would be pleased to give a further time for the payment of arrears which does not become due by any default of the Tenants refusing to pay those rents but in the officers neglecting to collect the same.

Adjourned 'till tomorrow.

Thursday February 27th. The House met according to adjournment.

The house having considered the report of the Committee of Claims and approve of the same Ordered that they be Entered on the Journals of this house which are as follows Viz^{t}

John Montgomery Esq^{r}	£410	"	0	" 0.
Constance Williamson	£250	"	0	" 0.
Ayliff Williams	£223	"	0	" 0.
Allen Wells for a negro executed at Cape Fear	£150	"	0	" 0.
Thomas Jones Blacksmith	£ 2	"	10	" 0
Coll^{ll} Bonner for expences at the Governours arrival	£ 84	"	0	" 0.
James Brickhil for ferriages	6	"	00	" 0.
Christopher Becket for care of the Council room and Court house	18	"	00	" 0.
Joshua Long for serving on the grand Jury	5	"	00	" 0
Col^{o} Moseley for sundrys	84	"	00	" 0
Rob^{t} Kingham for burying a drowned man	5	"	00	" 0
James Trotter for Charge of Committees	23	"	2	" 6
Ditto for sundry charges	17	"	00	" 0
Joseph Anderson for copying the Laws	40	"	0	" 0.
Edward Howcot	41	"	15	" 0
John Carter sundry Services dep^{ty} Marsh^{ll}	32	"	12	" 6
James Castelaw Serving on the Grand Jury	2	"	00	" 0.
James Millikin Ditto	4	"	00	" 0.
William Willis for Do	3	"	10	" 0.
Rob^{t} Hill for ferryage	18	"	00	" 0.
Edward Peak	12	"	00	" 0.
John Chilley	6	"	15	" 0
James Winright	20	"	00	" 0.
To his Excellencys Proclamation for apprehending such persons as Counterfeited the Bills two persons being taken upon that proclamation	100	"	00	" 0.
Thomas Mathews doorkeep^{r}	6	"	00	" 0
Rob^{t} Turner attendance on the Grand Jury	2	"	5	" 0.
Benj^{a} Peyton as Coroner	16	"	16	" 0
Rob^{t} Halton for sundry services and moneys assumed to Mathew Young	285	"	00	" 0.
William Mackey for sundry Services	176	"	5	" 6
Rob^{t} Forster	150	"	00	" 0
Rob^{t} Boyd	17	"	17	" 0
Humphery Robinson	5	"	00	" 0
Rob^{t} West for ferriage	1	"	10	" 0
Peter Young for sundry Services	11	"	5	" 0
George Alleyn expences on the committee	9	"	3	" 6
Christopher Gale Esq^{r}	10	"	6	" 0
John Phelps	5	"	00	" 0
Francis Branch for Serving on the grand Jury	3	"	15	" 0.

Jacob Butler Ditto	1 "	5 "	0
Francis Gregory two grand Juries	2 "	10 "	0
Thomas Luten three Do.	3 "	15 "	0
John Blount Three Do.	3 "	15 "	0
William Luten Do.	1 "	5 "	0
Joseph Ming Do.	1 "	5 "	0
Thomas Blount Serving one Grand Jury	1 "	5 "	0.
John Benbury Two Do.	2 "	10 "	0
W. Benbury Ditto.	1 "	5 "	0
John Falconer one Ditto.	1 "	5 "	0
John Charleton two Ditto.	2 "	10 "	0
William Hoskins Do.	1 "	5 "	0
John Jones Ditto.	1 "	5 "	0
Thomas Jones Ditto.	1 "	5 "	0
Col° Henry Bonner Do.	1 "	5 "	0
Sam[ll] Swann Ditto	1 "	5 "	0
Charles Westbere Ditto	1 "	5 "	0
William Lewis Ditto	1 "	5 "	0
W[m] Downing Ditto.	1 "	15 "	0
Charles Denman Ditto	1 "	15 "	0
Walter Lane Ditto	3 "	5 "	0
Rob[t] Campain.	2 "	5 "	0
Henderson Luten as grand Juryman	2 "	5 "	0
Edward Moseley Esq[r] Ballance of his acc[t] with the publick	389 "	1 "	11

Sent to the upper house for Concurrance.

And also have examined the Estimate of the Publick debts and find they stand as follows Viz[t]

To the members of the upper house and their Officers due in former Assemblies	389 "	10 "	0
To the Members of the Lower house and their Officers due in former Assemblies	1614 "	10 "	0
To the Members of the upper house and their Officers for this Present Session	1222 "	00 "	0.
To the Members of the Lower house for the same	2828 "	00 "	0
To amount of the General Acc[t] of Claims	2695 "	13 "	2
Allowed towards defraying his Excellency the Governours Charges and expences Since his arrival in this Government Travelling from Cape Fear with his Equippage & family to Edenton and towards his expences during the sitting of this Present Session of Assembly	1300 "	00 "	0

Allowed Mr Chief Justice Smith for his former Services to this Province in Going to England	1000	00	0
To the Charge of signing stamping and exchanging the sum of fourty thousand pounds	2500	00	0.
To the Charge of stamping the sum of ten thousand pounds at six pr Cent	600	00	0

And Sent to the upper house for their Inspection.

Read the Bill for the Security of the Persons who have Seated Cultivated & Improved Lands in this Province the Second time and passed with amendments. Sent to the upper house.

This house having taken into their Consideration the great Services done by Mr Chief Justice Smith when in England last for this Province and pursuant to a former Order of the General Assembly in the year one thousand seven hundred and thirty three Voted that he have and receive the sum of one thousand pounds and that the same be placed to the Estimate of the publick debts.

Received from the upper house the Bill for the security of the persons &c Indorsed Read in the upper house the third time and passed with amendments.

The house adjourned 'till tomorrow.

Fryday February 28th 173$\frac{4}{5}$. The house met according to adjournment.

The following Message was sent to his Excellency the Governour vizt

May it Please Your Excellv.

This house having thought it necessary to address your Excellv in relation to the discharge of our arrears of quit rents We pray your Excellv to let us know when and where you will please to receive us therewith. By Order W. DOWNING Speakr

Whereupon his Excellv was pleased to say that he would receive this house tomorrow at the Council Chamber.

The Bill for securing Persons in their Titles was read the third time and rejected.

The following Message was Sent to the upper house Vizt,

To the honōble the upper house.

This house being given to understand that there will be a conclusion to this Session tomorrow desire what Bills you have to pass may come to us that we may engross them ready for ratifying this Evening.

By Ordr W. DOWNING Speakr

Received from the upper house the following Message

Mr Speaker & Gentlemn

Upon perusing the list of Claims passed by the Committee We find certain articles of publick service done by the Provost Marshall not comprised therein in the whole amounting to the sum of £315 we also find certain articles of public service done by the Secry or Clerk of the Council not comprised therein amounting to the sum of £270.10.– We are of opinion that in the Estimate of the publick Charge those sums ought to be added and the Charge of this day and tomorrow ought also to be Included in the charge of this present session we cannot proceed on the Bill for granting to his Majesty the sum of ten thousand pounds for the Service of the Publick of this Province and for Laying a tax on the Inhabitants of the same for the payment thereof until we have the Estimate of the publick debts to be added thereto. If your house will send up the Estimate so rectified we will Immediately proceed to pass the same. By Order R. FORSTER C: U: h:

Sent to the upper House the account of claims, account of the Assemblies wages the account of the wages of the members of this Present Session and the Estimate of the publick debts with the following Message Vizt

To the Honōble the upper house

In Compliance with your Message we have sent an Estimate of the Charges of this Session including tomorrow but as to what you mention of the publick Services done by the provost Marshall and Clerk of the Council which you say are not allowed by the Committee we are of opinion that the said Committee have allowed whatever was usual and Customary to be allowed for services of that nature therefore can't consent to make any further allowance.

Received from the upper house the following Message Vizt:

Febry 28 1734 [1735]

Mr Speaker and Gentlemn Uppr House

In answer to your Message just now received we are of opinion that we cannot with common Justice recede from the Charge made by us of the additional sums to the Secry and the provost Marshall which we hoped would have been added to the Estimate whatever might have been the sense of your Committee on those accounts we are surprised you should again send up a fair copy of the Estimate without so much as taking Notice of the sum of £2,500 Charges of stamping the New Currency and which by a Law Passed both houses this Session was to be

sunk by the Law which now lyes before us for stamping the sum £10,000 the Charge of which also amounts £600 in all £3100 these sums together with what are before mentioned we still hope you'll add to the Estimate to make it compleat before we read the Bill a Second time otherwise it might lay us under an obligation to reject it.

By Order R. FORSTER C: U: h:

The house adjourned 'till tomorrow.

Saturday March 1st. The house met according to adjournment.

Sent the following Message to the upper House

To the Honōble the upper house

In answer to your Message of yesterday we must beg leave to acquaint you that we think we can't in common Justice to our Country make any addition to the sum allowed the Secr^{y} or Clerk of the Council and provost Marshall which we hoped would have been satisfactory.

We have agreed to put the sum of five hundred Charges for stamping the new Currency as also the 600 Charges for stamping the 1000 to the Estimate which we herewith send you. By Ord^{r}

JOS: ANDERSON C^{lk} Gen^{l} Assembly.

Received from the upper house the Bill for granting to his Majesty the sum of £14150.3.2 for the Service of the publick of this Province &c. Indorsed read in the upper house a Second time and passed with amendments. By Ord^{r} ROB. FORSTER C: U: H:

The Committee appointed by both houses to receive the publick moneys from the several Precinct Treasurers Powder Receivers and others report that they have received the same which report was approved of and resolved that the New money in the hands of the said Committee shall be applyed to the paying of the several members of both houses for their Service and attendance on this Session except such members as shall be in arrear to the Publick who shall discount his wages as far as they will go towards the making up Such arrears.

Read the Bill for granting to his Majesty the sum of £14150.3.2 the third time and passed. By Ord^{r}

JOS: ANDERSON C^{lk} Gen^{ll} Assem̄:

Received the said from the upper house passed the third time and Ordered to be Engrossed.

Received from the upper house their Concurrance with the Message of this house concerning appointing precinct Treasurers in the room of

those deceased. Whereupon a Message was sent to his Excell^{y} the Governour desiring he would be pleased to appoint such as he should think proper.

Sent the following Message to the upper house Viz^{t}

To the honōble the upper house,

The Coṁittee appointed to receive the Publick moneys by their Report it appears they have received a sum of the old Bill money we desire the opinion of your House what shall be done therewith.

By Ord^{r} JOS: ANDERSON C^{lk} Gen^{l} Assembly.

Sent the following Message to the upper house

To the honōble the upper house,

Whereas it appears by the report of the Coṁittee for receiving publick moneys that there are several persons who have sums of money in their hands due to the publick and have not paid in the same It is ordered that the C^{lk} of the Gen^{l} Assembly give publick Notice in writing to such persons to attend at the next Assembly and pay in the same.

By Order JOS: ANDERSON C^{lk} Gen^{l} Assem̄:

Sent the following Message to his Excell^{y} the Governour Viz^{t}

May it Please your Excell^{y},

This house is now ready to wait on your Excell^{y} with the Laws passed this Session in order to have your Excell^{ys} Assent Also with the address of this house Concerning the arrears of quit rents due to his Majesty.

We humbly pray your Excell^{y} will be pleased to let us know when and where your Excell^{y} will receive us. W. DOWNING Speak^{r}

Rec̄d a Message from his Excell^{y} That he was ready to receive this house in the Council Chamber.

Whereupon the house in a full body waited on his Excellency where were read and passed his Excell$^{y's}$ the following Laws Viz^{t}:

An Act for stamping and exchanging the Present Bills of Currency of this province and for the better explaining an act of the General Assembly passed the 27th day of November 1729 entituled an Act for making and Emitting the sum of fourty thousand pounds publick bills of Credit of North Carolina.

An Act for repealing a Clause in an act entituled an act relating to Biennial and other Assemblies which empowers freemen of the several Precincts to vote for members of Assembly and declaring what persons

shall be qualified to vote for members to sit in General Assembly and also qualification of Members for the future.

An Act for reviving an Act entituled an additional act to the act for the Tryall of small and mean causes.

An Act for Laying a duty on Liquors for and towards defraying the contingent Charges of the Government and to make a Poll Tax on the poorer Inhabitants more easy.

An Act to ascertain the allowance of his Majesties Council and the Members of Assembly of this Province.

An additional Act to the Act concerning Roads and ferrys.

An Act for Laying out making altering and Keeping in repair the several Roads and highways within the several Precincts of the County of Bath and for building bridges cleansing and Keeping clean the several Rivers and Creeks within the same.

An Act to confirm and Establish the Precincts of Onslow and Bladen and for appointing the same distinct Parishes.

An Act for granting to his Majesty the sum of fourteen thousand one hundred and fifty pounds three shillings and two pence for the service of the publick of this Province and for Laying a Tax on Inhabitants of the same for the payment thereof and for stamping the sum of ten thousand pounds Bills of Credit for the more Immediate discharge of part thereof.

Afterwards M^{r} Speaker presented his Excell^{y} with the address of this house concerning the arrears of quit rents whereupon his Excell^{y} made a Speech and then prorogued the Assembly to the first day of July next of which Speech M^{r} Speaker obtained a Copy and Ordered that the same be entered on the Journals of this house which is as follows Viz^{t}

[For the Governor's Address proroguing the Legislature, see Journal of the Upper House.—EDITOR.]

M^{r} Speaker reported to this house that his Excell^{y} told him in the Council Chamber that he had appointed M^{r} Castelaw Treasurer for Bertie precinct M^{r} Allen for New Hanover and M^{r} Burnham for Pasquotank.

1736.

[B. P. R. O. North Carolina. B. T. Vol. 9. A. 75.]

Heads of what is proposed by Henry M^{c}Culloh in the Settlement of the Two Tracts of Land Petitioned for. Feb. 173$\frac{5}{6}$.

1st. I intend to settle a person I am now concerned with in South Carolina who is a man of considerable fortune upon the Head of the North East Branch of Cape Fear River. I am at the same time to send over a considerable number of Workmen to build small Houses for such people as I intend to send there from Europe to carry on the Pott Ash Trade and for the raising Hemp and other Naval Stores Equal to the undertaking in my Petition the number I propose to settle on this Tract is one hundred and eighty substantial people.

2^{ndly} Upon the Tract on the Head of the North West River I intend to fix the said Gentleman's brother and also to send over to that place proper Workmen for the founding of a Township and after the Houses are prepared for them to settle one hundred and Twenty like substantial people and there intend to apply a considerable sum of money for carrying on the furr Trade as well as raising Hemp and other Naval Stores.

It is to be remarked here that thō the number of people are not so many as might at first be expected yett that there must necessarily be a great addition of servants and slaves for the carrying on of this undertaking and that though I engage for no more than three hundred yett as the Settlement grows it will be my Interest greatly to encrease that number.

North Carolina hitherto has been very inconsiderable as to Trade and thō there is near 40000 Whites in that Colony which is one third more than in the South yett there Produce is not equal to one Tenth part and we have not had so much as one ship from that Colony this last year which plainly shews what necessity there is to incourage those that are willing and capable to introduce Trade and Commerce amongst them.

It is to be presumed from this State of the Colony it will appear that a settlement carried on in the manner above hinted at, by trading people will answer all the ends proposed in giving such Grants to the undertaker For trade naturally occasions an Increase of people and in such case the settlement becomes lasting. And at the same time puts those that are already settled there on new methods of Industry which will inrich the Colony and make it usefull to its mother Country.

[B. P. R. O. North Carolina. B. T. Vol. 9. A. 74.]

A Description of the Grant of Land desired by Mr. Jenner and the Switzers.

M^r^ Jenner Agent for the Switzers who propose to Settle in North Carolina desires to have the Lands hitherto ungranted allowed for them that are scituated between Roanoak River and the West Branch of Cape Fear River above the Indian trading path home to the mountains. In lieu of the lands on Neus River before requested.

Rec^d^ February $173\frac{5}{6}$.

[B. P. R. O. North Carolina. B. T. Vol. 9. A. 78.]

My Lords, [of the Board of Trade]

Haveing done myself the honour frequently to attend your Board, with M^r^ Jenner Agent for the Switzers who propose to settle in North Carolina I beg leave to make a few observations on the answer returned by M^r^ Popple to the said Agent's Petition.

I am humbly of opinion that your Lordships recommending and adviseing the Government of North Carolina to pass an Act in the Assembly of that Province for naturalizeing the Switzers and other Foreign Protestants who go there to live will be sufficient. As it cannot be imagined that the Switzers will be possessed of any goods to vend in America except a little course linen manufactured by themselves the Custom House Officers att Cowes may be directed to give the vessells that carry them all possible dispatch.

I believe there is no place in his Majesties American Dominions where these people could be placed so much for the Kings benefit as on the very land petitioned for the same being remote from the sea or any navigable water, on the uppermost part of North Carolina adjoining on Virginia and South Carolina; by this scituation the Inhabitants of three Provinces may advantage themselves by learning from the Swiss to raise Hemp and Flax, make Silk and Pot Ash; plant vineyards, and in time produce good wine. The Switzers that went into South Carolina think they were imposed upon and ill used, many of them are dead those yet alive are very much dissatisfyed with their condition and have or do design to quit that Province as I have been lately informed. Nova Scotia is a Country improper for Switzers to live in being neither

seamen, nor Fishermen; there hunger and cold would soon destroy them, the winters being very severe eight months in a year.

I cannot help thinking the Switzers in the wrong in demanding or desiring to have lands appropriated to their use exclusive of the English, but as it is a possitive Instruction from the principals in the Cantons hope your Lordships will discover an Expedient to their satisfaction.

The Answers to the 5th and 6th Articles are so full and excellently expressed that nothing need be added. I am certain it would be an advantage to the Crown and prejudice no man if every Switzer that went into North Carolina would take up a thousand acres provided he was able to pay the Quit Rents. That Province is computed to contain thirty millions of acres of which att most there are not above three millions taken up, the sooner the remainder is taken the faster the Rents will encrease and promote Trade and cause a greater consumption of the British Commoditys in that Province when all the Lands in North Carolina are patented the Crown will have a vast extent of Country to people from the Borders of that Province to Mississipi River, in the which there are an infinite quantity of very rich and healthy places. I think Mr Jenner has been very modest in desiring but one thousand acres for each Gentleman: by that appellation Officers Civil and Military and such as have fortunes to maintain themselves without working, or exerciseing Trades, are generally called and distinguished. The Kings Surveyor General in N. Carolina doth not make the surveys of lands himself he keeps one or more Deputies in Each precinct to do that work for which he gives them a part of his Fees there can be no objection reasonably made against a Switzers acting as Deputy Surveyor: Patents are signed and pass the seal before they are recorded in the Secretary Office the Fees for taking up four hundred acres of land come so near four pounds which the officers may well remit on this extraordinary occasion because their Perquisites will be much augmented by the comeing of a number of Switzers. There is no likelihood that any other people would live on the Lands the Swiss desire to possess in a long time. it must prove very difficult for the Switzers to raise money sufficient for the intended voyage to America from their own present habitation they must travel to the City Basil by land, from thence down the River to Rotterdam which the passage boats are more than a month performing, the passengers lyeing on shoare every night five pounds each person is the least they can be carried for into America, on ship provisions; if they take any strong liquors or fresh meat with them they must pay for them besides, when they arrive in Virginia or N. Carolina they must travel at least one hundred and twenty miles on land; by this your Lordships

may perceive what fatigues and charges these Switzers will sustain before they enter the desired Land when they get there it will be three years before they can produce anything to sell. The Kings service has been the only motive that induced me to concern myself in this affair therefore hope your Lordships will excuse the liberty I have taken in presenting my sentiments to the Lords of Trade, on this uncommon and important affair I am, My Lords &c.

March 11th 1735. [1736] GEO: BURRINGTON

[B. P. R. O. North Carolina. B. T. Vol. 10. B. 20.]

A Memorial Concerning the Switzers going to settle in the Plantations of America.

Humbly presented to the perusal of the Right Honourable the Lords Commissioners for Trade and Plantations.

As your Lordships have been of late much occupied about several parties pretending to make settlements of Switzers in Carolina, I thought it proper to lay before your Lordships a true state of the Management of these undertakings, and the consequence which have already and in the future will follow upon them.

It is most certain Switzerland is much peopled, that a great many Inhabitants might be spared in that Country, and there could be ingaged a considerable number of them, if the management thereof was conducted with prudence, discretion and secrecy, and to shew that the Switzers are esteemed some of the most laborious and industrious people for husbandry in all the neighbouring Counties where many of them are settled, and by the Inhabitants esteemed for the best Husbandmen, an evidence thereof is, that they can subsist and thrive where others could not pay their Rents. A Creditable Gentleman from Virginia writes on their behalf concerning their settlement upon Savanah River viz: I have all along been fearfull for them, having a kindness for a Nation who have the fairest Character for honesty and diligence of any other in Europe and envy any Country that is peopled with them with many other kind expressions in his letters

The Governments of Switzerland and particularly the Canton of Bern did suffer several times of their people to go to America, in 1709 there went for North Carolina and settled upon News River 70 Persons those which were not destroyed in the Indian War are now very well settled: The late Mr Purry carried in 3 several times about 600 Persons

over, but the management of it caused a great Confusion, the People were eager to go in so fine and fruitfull a Country, as was described them in a little book of his without giving them any caution or instruction about the voyage (as I did in mine printed in 1711) which caused so many poor Switzer Familys to come over here in their ignorance 2 years ago, to the great disgust of this city, to be troubled in all the Streets, with so many poor strange people, and by experience it was found that very little was true of what he advanced in the sayd discription, and the most materiall omitted, so that by the report from these people a good part of them died, if not half and very few were excepted of dangerous sicknesses, and the remaining find themselves in a worse condition then they were in their own Country. All which coming to the knowledge of the Governments of Zurich and Bern (which are the most considerable Cantons) they have very stricktly prohibited any of their subjects for the future to go out of their dominions for America, which is chiefly owing to the Ignorance and Imprudence of the late Mr Purry's management. There are but some little Cantons as Apenzel &c: where they have still liberty to go, of which Canton went last October about 30 Familys to the Savanah River, the Manager being now here, for soliciting an assistance towards their settlement the County will be but little the better for these poor people they will soon decrease considerably and an assistance will be but ill imployed as well as upon those that were sent 2 years ago at the charge of the Government to Purisbourg when about 40 of 109 died in 2 months after their arrival that all the money was lost so employ'd for them; this Manager intending to go shortly to Switzerland to bring a more considerable number over for Savanah River: Another party of 6000 Switzers hath been proposed to settle in North Carolina upon News River, by the Agent of Governour Johnston I cannot conceive where they will get them unless they grow in the ground like corn, and this which was proposed by Mr Jenner which of all will soonest thrive and is the most likely to prosper.

The so many different partys they pretend to settle Switzers in America will cause great disturbances in Switzerland that it will certainly be prohibited by all the rest of the Protestant Governments that none more of their subjects will be permitted to go for America.

Therefore if their Lordships are convinced that the Switzers are fit to be encouraged for their knowledge and Industry in Husbandry

It is humbly offered to their Lordships wise consideration to be requisite to examine where these people are fittest to be settled, that they may preserve their health, and prove most serviceable to the Nation by producing to perfection what they understand best to cultivate, viz: wheat

and other grains, vines, hemp, flax, Cotton (in silk and Potash they must be instructed) and many other usefull commoditys; if the settling upon Savanah River is seriously examined it is evident not to be proper for the Switzers who live in their high and dry Country in a serine air, to bring these people in a sultry hot climate, lowe and marshy land is the reverse of their own Country and cannot but be fatal to their lives and health as the examples have already proved, neither will they be then profitable to the Nation for production, since nothing can be depended upon to reap benefit by but the planting of Rice which requires heat and low wet land, yet without slaves, which are inured to the heat of the sun it cannot be produced with success, the poor that have no means to purchase slaves must perform the work themselves, which in that heat of the Country will make them languish, cast them in Fevers and bring them to the Grave, as several have experienced that took servants with them of which one after the other died; the Rice being now already most overstocked they will add no Benefit to the nation and other Grains do not come so plentifully as North wests, Hemp and Flax attains not half the length as in Europe, the heat brings too soon to maturity, the dairy is not so well furnished from the Cattle as in the Northern parts, so that they come short in everything except Rice.

It is certain that among all the proposed settlements none will be so proper to answer the ends of making a prosperous one as that which was proposed by M^{r} Jenner towards the Mountains in North Carolina or Virginia both for the peoples health and plentifull production: which deserves to be countenanced above the others for if a good foundation is lay'd there, and a good report of such a settlements prosperity comes to Switzerland it will encourage a great many to follow them, then this Colony will be of great service to the nation when they have good land, and by the influence of the Climate be enabled to import into this kingdom large quantities of their productions which are chiefly desired and wanted.

If these reasons are granted to be undeniably admitted and their Lordships approve thereof, the best method would be to appoint that part of Virginia and North Carolina as we proposed for all the Switzers to settle upon, and to direct those which desire to settle in America thither, that they may prove there most serviceable to [the] nation which would give no small satisfaction to the Governments of the Protestant Cantons in Switzerland if they were convinced that their subjects were taken care of, for the preservation of their lives and welfare: all which is humbly submitted to their Lordships wise Judgment and consideration by a sincere well

wisher to the prosperity of the Nation and these people in question who is with the greatest submission and due respect

Their Lord Shipps most &c

JOHN RODOLPH OCHS

In the name of his friends in Switzerland.

[B. P. R. O. North Carolina. B. T. Vol. 10. B. 5.]

At the Court at S^{t} James the 29th of April 1736 Present the Kings most Excellent Majesty in Council

Whereas Henry M^{c}Cullock of London Merchant hath by Petition to His Majesty at this Board humbly represented, "That there are vast "Quantitys of Land in His Majesty's Colony of North Carolina uncul- "tivated and particularly on the Branches of Cape Fear River wherein "few or no settlements have been made till within these twelve years and "them at present very inconsiderable, That if the same were cultivated "and improved they might not only increase his Majesty's Quit Rents "but be rendered greatly advantageous to this Kingdom in the Produc- "tion of Hemp, Pitch, Tarr and other kinds of Naval Stores as also in "the making of Pot Ashes which has hitherto miscarried for want of "applying a proper expence in Engaging Persons from Foreign parts to "go over there who are well skilled in making that Comodity, the Im- "portation whereof from the Baltick to Great Britain is yearly above "Two Thousand Three Hundred Tons which at 24 pounds per Ton at "first cost Duty and Freight excepted amounts to fifty five thousand two "Hundred Pounds besides which advantages, the said Lands are well "situated for carrying on a Firr Trade with the Indian Nations in that "Neighbourhood. That the Petitioner is willing to settle Two Tracts out "of the said large Quantitys of uncultivated Lands if His Majesty shall "be pleased to grant the same to him, That is to say one Tract of Seventy "Two Thousand Acres, situated upon the North East Branch of Cape "Fear River from the second High Bluff upwards or thereabouts and "leading towards the point of Trent River on the East side and on the "West towards the Head of the Black River, and the other Tract of "sixty thousand acres situated towards the North West at or near a place "there commonly called or known by the name of the Haw Fields and "lying between the North west branch of Cape Fear River and the head "of the Neus River and the Petitioner will undertake to settle thereon

"three Hundred Protestants in the space of ten years and to encrease "that number from time to time as he shall find encouragement from the "place and Trade intended to be carryed on there whereby he hopes "in time to prove very beneficial to Great Britain and to considerably "augment His Majesty's Quit Rents; But that as an undertaking of this "kind will be attended with very great Hazards and even the most for- "tunate of them with great Expenses at their first outsett and particularly "to the Petitioner who intends to contract with Persons from Foreign "Parts from whence Pot Ashes are now imported into this Kingdom to "go over to the said Colony to carry on the making of that Comodity "there and that as a great many servants and slaves will be necessary "more than the said three Hundred Persons above engaged to be settled "and as both the said Tracts of Land are some Hundred miles from the "seat of Government and will be a kind of barrier to the more inner "parts of the said Colony the Petitioner humbly hopes that all reasona- "ble Encouragement may be given to the undertaking and particularly "an exemption from Quit Rents for the space of Ten years. The Peti- "tioner therefore most humbly prays that His Ma^{ty} would be graciously "pleased to direct the Surveyor of His Majesty's Lands in North Caro- "lina or His Deputy to survey and lay out the said Two Tracts of Land "and His Majesty's Governor there to pass a Grant under the seal of the "said Colony to the Petitioner and His Heirs of the said Lands so to be "laid out with the aforesaid Encouragement subject to be void as to so "much thereof as the Petitioner shall not settle according to the Propo- "sals aforesaid.

His Majesty having taken the opinion of a Committee of the Lords of His Majestys most Honble Privy Council as also of the Lords Commissioners for Trade and Plantations thereupon, and being inclined to give all encouragement to the settling of Lands in His Plantations in America, is graciously pleased to condescend to the Petitioners Request and His Majesty thereupon thought proper, by his Order in Council of this day to direct the Surveyor General of His Majestys Lands in North Carolina or his Deputy, to lay out & survey the said seventy two thousand Acres, and also the said sixty thousand acres of Land within the limits describ'd in the above recited Petition: And His Majesty is hereby pleased to order, that Gabriel Johnston Esq^{re} His Majestys Governor of North Carolina or in His absence the Commander in Chief of the said Province for the time being, do pass under the seal of that Province, a Grant of the said Lands when they shall have been so laid out and surveyed, to the Petition^{r} His Heirs and Assigns, according to the Petitioner's above mentioned Proposalls; subject to be Void as to so much

thereof as shall not be settled agreeable to the said Proposals, and that a clause be inserted in the said Grant to exempt the said Lands from Quit Rents for the first ten Years after the Date of such Grant, and also a saving Clause as to the right of such as may have a Lawfull Claim to any of the said Lands by virtue of Grants made and authenticated to them before the said Governor shall be apprised of His Majesty's Pleasure hereby signified for passing the said Grant to the Petitioner.

A true Copy. TEMPLE STANYAN.

[B. P. R. O. North Carolina. Am: & W. Ind: No. 593.]

To the King's Most Excellent Majesty the Petition of George Burrington late Governor of North Carolina, most humbly sheweth,

That your Petitioner was appointed Governor of the said Province in the year 1730, and then received your Majesty's warrant to be paid seven hundred pounds per annum, for a salary out of the Quit rents, during the whole time your Majestys petitioner remained Governor no order was given, nor taken to collect those rents, for which reason the Petitioner receiving no part of his salary was necessitated to give premiums and borrow large sums of money upon interest, to defray his expenses; all which sums at this time remain unpaid, to the great impoverishment of the Petitioner, who has now due to him the salary for four years & seven months.

Your Petitioner was commanded by one of the royal Instructions, to cause perfect surveys to be made, and drafts drawn, of the ports, and harbours in North Carolina, and send them to the Board of Trade, which proved very difficult, tedious and expensive, yet was compleatly effected, and perfectly finished by the diligence & at the expence of the Petitioner, who has not hitherto received any reward, nor even reimbursement, of what he expended in performing that difficult and necessary work.

Your petitioner when Governor of North Carolina faithfully & diligently performed his duty, to the utmost of his power and abilitys, always endeavoring to promote the welfare & happiness of the people, but was much obstructed, and in a great measure prevented from compassing his just and honorable designs, by the opposition he received from William Smith Esq^{re} Chief Justice Nathaniel Rice Esq^{re} Secretary, & John Montgomery Attorney General; who not satisfyed with the publick opposition they constantly gave your Petitioner in his proceedings

did moreover continually use their endeavours to defame him, by inventing and spreading scandalous stories, void of truth, contrived and published to blast his reputation, and destroy his character to compleat that wicked design, the aforesaid William Smith audaciously presented to your sacred Majesty a petition containing several articles of complaint against the Petitioner, in which he was represented as a most unjust Governor a copy of that Petition being brought into Carolina and read in open Council, them complaints were proved to be false, and scandalous by many depositions then sworn to by Gentlemen of undoubted reputation & entered into the Council Books. Your Petitioner both in his publick & private writeings, desired to obtain a hearing in order to justifye his conduct and actions, that justice was not granted him, but he had the deplorable misfortune to be so misrepresented to Your Majesty as to be removed, without ever knowing the causes that brought upon him an undeserved disgrace & dismal ruine.

Sometime before Gabriel Johnston Esq^{re} your Majesty's present Gov^{r} of North Carolina arrived in that Province, William Smith now Chief Justice Nathaniel Rice Secretary, John Montgomery Attorney General, with some others their confederates, did contrive and attempt to assassinate your petitioner, then actual Gov^{r} there by shooting him with pistoles, from which danger he was rescued by the sudden and unexpected interposition of some courageous men who came to his assistance. Your petitioner believes it was by directions from some persons in England, that Smith, Rice & Montgomery were prompted to murder him, because authentick accounts of that detestable attempt, being transmitted to the Board of Trade, yet their Lordships had no regard to them. Bills of Indictment were found in North Carolina against Smith, Rice, Montgomery & their confederates concerned in the attempt made to slay your Petitioner: conscious of the baseness of the action attempted, they fled by night, and hid themselves in Virginia, there they continued till your Majesty's present Gov^{r} landed in North Carolina, who immediately distinguished the assassins by his favours, every one of them being placed in some employment. Prosecution against the Offenders dropt, to the great scandal of Government, regret of all the honest men in that Province, & in high breach & violation of the said Governor's oath of office.

Your Petitioner is able evidently to prove, that by the contrivances of his enemys, Your Majesty's service in North Carolina was neglected; no answers could be obtained in his letters for the better settlement, & establishment of North Carolina, which were omitted, he verily believes purposely to run the Province into confusion, thereby to form a pretext for removing him from his employment.

Your Petitioner most humbly prays your Majesty to take his extraordinary hard case into your royal consideration Be graciously pleased to order the immediate payment of his salary so long due to him, and that your Majesty in regard to truth justice & your own service, will also be graciously pleased to direct that the actions & behaviour of your Petitioner, dureing the time he was Gov^{r} of North Carolina, and the conduct of his adversarys to be examined in the most honorable Privy Council, that he may be enabled to justifye himself, and most humbly hopes being found innocent of any crimes to be restored to the royal Favour, and obtain such relief & reparation as your Majesty in your great wisdom and goodness shall think proper, &c.

[B. P. R. O. North Carolina. B. T. Vol. 21. p. 233.]

May it please Your Majesty

A Memorial was lately presented to us by M^{r} Samuel Jenner Agent for a great number of Swiss Protestants who are desirous to transport themselves and familys at their own expense to North Carolina provided they might obtain the following conditions

That an Act of Parliament should be passed by which all Switzers who should transport themselves to North Carolina should be naturalized & entitled to all the rights and privileges of Your Majesty's British Subjects.

That they might embark in Holland and be permitted to carry their goods and effects with them without being subject to seizures or confiscation when landed in America

That as they intend to plant Vines raise silk hemp and flax and make Pot Ash they desired to be placed in a proper situation for those purposes and would be contented with an upland part of North Carolina bounded by the Apalachian Mountains on the West and by the Southern Boundary of Virginia on the North about three score miles from any settlement already made in that Province

That notwithstanding the inland parts of this Province were yet uncultivated no roads made and the rivers which water that part of the country too shallow for navigation they would nevertheless endeavour to surmount these difficulties if a sufficient district of land might be laid out and appropriated for them and such as should come after them from the Cantons of Switzerland and the adjoining Countrys that so they and their posterity might inhabit together and not be dispersed by having people mixed with them who should not understand their language.

That all Officers Civil & Military to be appointed in the district they should inhabit might be of their own people and that they might provide for the subsistence and maintenance of their own clergy and poor without being chargeable in those respects to the other inhabitants of North Carolina or being burdened by them on account of payments to any Clergy or Poor besides their own.

That they might enjoy an exemption from quit rents and all taxes and impositions for the space of ten years and that after this term their quit rents should not exceed two shillings for every hundred acres for ever.

That in laying out the land allotted them every Gentleman should have one thousand acres and every other man four hundred acres and that they might be permitted to make their own surveys and have patents delivered to them for their lands without payment of fees.

Altho' in these Proposals they have not mentioned any particular number to be settled in the Province yet in the several conferences we have had with them on this subject we find that they propose to transport thither to the number of six thousand Swiss Protestants within the space of ten years.

As the settlement of so many industrious Protestants may be highly beneficial to Your Maj. Province of North Carolina We took these proposals into our consideration and have treated with M^{r} Jenner & his Associates upon the subject matter thereof who after several conferences with us have at last consented and agreed to undertake the proposed Settlement upon the following conditions Viz:

That the said Swiss be naturalized by an Act of Assembly to be passed in North Carolina for that purpose

That they be recommended to the Officers of Your Majesty's Customs to be treated in the most tender manner the law will admit of at those ports in Great Britain where they shall from time to time touch at & clear from.

That none of Your Maj. subjects or any Foreign Protestants be excluded from settling within the said Tracts provided the Swiss may have distinct Parishes allotted to them of ten miles square.

That the Swiss may enjoy the privileges common to Your Maj. British Subjects there.

And lastly that every gentleman (who as described by them is a person who does not work himself) having three men servants shall have a claim to a Grant of Land not exceeding one thousand acres and every common man having a family to have a claim to a grant of land not exceeding four hundred acres to be held free from quit rents for ten years

from the date of their grants But from that time to be subject to the established quit rents of the Province which is four shillings per annum Proclamation Money for every hundred acres.

Upon these conditions we are humbly of opinion that Your Majesty may be graciously pleased to permit the said six thousand Swiss to settle in the Province of North Carolina which will thereby receive a considerable augmentation of useful inhabitants by whose means Your Maj. Quit rents will hereafter be increased and a foundation laid for enlarging the trade & navigation of this Kingdom And if it should be Your Maj. Royal pleasure to comply with these Proposals we would further humbly offer that the Governor of North Carolina may receive Your Maj. orders to recommend it to the Assembly of that Province to defray the charge of surveying the lands to be set out and of issuing the grants which shall be made to the said Switzers or that they may be eased of the expense attending the said Surveys and Grants in such other manner as to Your Maj. in your great wisdom shall seem proper.

All which is humbly submitted [From the Board of Trade]

FITZ-WALTER OR. BRIDGEMAN
T. PELHAM R. PLUMER.

Whitehall May 7th 1736.

[B. P. R. O. North Carolina. B. T. Vol. 10. B. 6.]

At the Court at S^{t} James's the 21st day of May 1736 Present the Kings most Excellent Majesty in Council.

Upon reading at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs dated the 13th of this instant in the Words following Viz^{t}

"Your Majesty having been pleased by your Order in Council of the "29th of last month to referr unto this Committee the Humble Petition "of George Burrington late Governor of North Carolina, praying that "he may be paid his arrears of Salary, as likewise his expenses in caus-"ing surveys to be made and Draughts Drawn, of the Ports and Har-"bours in that Province pursuant to your Majestys Instructions, And "further praying that his conduct as Governor, And the Actions of his "adversaries may be examined into, in order to His being restored to "your Majesty's Royall Favour. The Lords of the Committee this day "took the said Petition into their Consideration, and finding the same to

"be very irregular in regard it consists of matters of such a Nature as "cannot properly receive any Determination in your Majesty's Privy "Council. Their Lordships do therefore agree humbly to Report to "your Majesty as their Opinion, that the said Petition ought to be dis- "mist.

His Majesty this day took the said Report into Consideration and was pleased, with the advice of His Privy Council, to approve thereof, And accordingly to Order that the said Petition of George Burrington Be and it is hereby Dismist this Board.

A true Copy. W. SHARPE.

[B. P. R. O. North Carolina. B. T. Vol. 10. B. 11.]

To the Hon^ble^ Commissioners of His Majesty's Customes

Hon^ble^ Sirs

M^r^ Manly informed me your Honours were inclined to know my Opinion concerning the ports of Entry and Export in North Carolina. What alterations would be necessary and if effected whether the Revenue of the Kings Customs would be augmented; and what advantages the Inhabitants could receive by the Regulations that may be made I am humbly of Opinion this Affair is of very great Importance and therefore merits your serious consideration.

In North Carolina at this time there are five Collections, one on Cape Fear River, called Port Brunswick, at Topsail Inlett is Port Beaufort on Pamticough River Port Bath Town, Roanoak Port is at the Head of Albemarle Sound, and Currituck on the Sea Coasts or Sounds near Virginia; this last Collection was never Settled or fixed to any certain Place. To the Collection of Brunswick belongs a very large district of Land, and it will be a place of very great Trade when it becomes well peopled No other Alteration is necessary in this Collection than appointing the Collector to reside nearer the Mouth of the River than the place where he now lives which is more than twenty miles above the Inlett.

Port Beaufort has but a very small quantity of land belonging to its District, before M^r^ Fitzwilliams when Surveyor General of the Southern Governments six years past procured Neus River to be taken from Bath Town Collection and added to that of Beaufort which has proved very inconvenient to Masters of Vessels that trade in Neus River having since been forced to ride forty miles to enter and clear at Beaufort thrō a low watery and uninhabited Country which after great Rains is not passable in many Days.

Bath Town is situated on a little Bay on Pamticough River about seventy miles from the Sea, Neus did formerly belong to this Collection (as remarked before) which upon many accounts was more commodious; It was usual before the Alteration for Master of Vessels to sail from one of these Rivers to the other, and trade in both, the Mouths of them being but a few miles distant, such as wholly loaded their vessels in Neus had but twenty three miles to ride in a good road when they went by Land to enter or clear with the Collector at Bath Town, then they could sail from Neus to the Collector at Bath, which they cannot do to Beaufort without going to Sea.

The Collection of Roanoak is now settled at Edenton in a Bay at the Head of Albemarle Sound near the same distance from the sea as Bath Town. The nearest Inlett to this place is called Roanoak, very few Vessels and of small Burden use it, by reason of the great danger there is in passing, the Channel often shifting. I have known this Inlett to have no more than six feet and a half of water on the Bar, therefore most of the shipping that Trade in Roanoak Collection come in and go out at Ocacock, which is the only place that has a sufficient depth of water for a ship of Burden between Topsail and the Capes of Virginia.

The Collection at Currituck I once knew laid down, then added or joined to Beaufort, the few vessels that have traded to this part of late years could have no other inducement for making their voyages then to carry from thence Tobacco without paying the King's Duty. I never knew one of the Collectors of Currituck reside within the Collection which in my opinion is insignificant and useless.

Bath Town and Edenton being far from the Sea, and as there are many Islands and Rivers between the said Port Towns where the Collectors reside and the Inlets, Vessels come in and go out as the Masters have Opportunitys to unload prohibited Goods, before they come to the Collectors to enter, and also to take in Tobacco, after they are cleared; the Masters do not fail to make an advantageous use of the convenience, great quantities of good Tobacco the growth of North Carolina are yearly from thence exported by the New England shipping no Duty paid, and some ordinary made in Virginia that will not pass the Inspectors, therefore would be burnt if not sent into North Carolina. In 1734 a ship from Guernsey loaden with French Wines, Brandy, Tea, Woollen and other prohibited Commodities came in at Ocacock, in the harbour the goods were put on Board a vessel belonging to the Country and sent thrō Pamticough and Albemarle Sounds into Virginia and there delivered to some Merchants of that Country. Neither myself then Governour nor any of the Custom House Officers knew anything of this Stratagem

before we received an account from the Judge Advocate of Virginia, great search was made afterwards in order to discover the run Goods but all in vain.

Ocacock Inlet has two distinct Channels which do not shift or change, the Bar is very fair inside the South End of the Island lyes the Harbour which has convenient places to careen ships, Wood and good fresh water in abundance, a small Fort mounted with some Cannons would prove in time of War, a sufficient Security to the shipping in the Harbour, and Houses on the land, I observed a certain Spot of Land from whence a Bullet shot out of a great Gun would reach the Bar, all the Channel from the Bar to the anchoring place and most part of the Harbour; Ocacock Island is an airy and healthy place abounding with excellent Fish and wild Fowl, from this Harbour there are but nine feet of Water to carry shipping to any one of the many Rivers that empty themselves into Albemarle and Pamticough Sounds.

I will endeavour to shew your Honours how North Carolina suffers for want of a better Trade, the King's Customs may be increased, clandestine Traffick prevented in a great Measure in that Province and the Commerce of Great Britain acquire some advantage.

Having already mentioned all I think requisite to be altered in regard to the Collection on Cape Fear River I think it may not be improper in this place to inform you, that the Collection at Beaufort is in the most convenient place of the whole district belonging thereunto and requires no Alteration or Regulation except as to Neus River, which in my Opinion by no means ought to be a part of it.

The Trade of North Carolina is now and has always been carryed on chiefly by the Merchants and Store Keepers of Virginia and the people of New England (Cape Fear River and parts ajacent excepted) a small number of Vessels sail from thence directly from [and] to Great Britain, the Sugar and other Islands, it will not be difficult to compute the value of such Goods as are entered for Exportation in any one or number of years by examining the Collectors accounts but there is no knowing what Quantities of Tobacco are carried because the Masters ship it after they have cleared with the Collectors; upon a certain Occasion I once made a computation, what the value of the Cattle, Hogs, Goods and Merchandizes of all Sorts that went yearly out of North Carolina into Virginia might amount to after much enquiry I estimated the whole at fifty Thousands Pounds: Last Jan^{ry} twelve months being in Virginia with several merchants who carried on a Commerce with the people of North Carolina, and discoursing on this subject some of them assured me I fell short a sixth part in my Computation; It is certain the Inhabi-

tants of North Carolina loose the value of half their Goods by trading with the people of Virginia and New England; It is a great misfortune to the people of North Carolina that they buy and sell at the second hand; notwithstanding their Country is better situated for Commerce than either Virginia or New England, it has three good Ports on the sea (the depth of water at each may be seen in the Draughts I ordered to be made by the King's command) to which the produce of the whole Country for Exportation may be brought in small vessels; Althō North Carolina is many degrees nearer the Sugar Islands than New England yet Pork, Corn, Pulse &c: are carried from North Carolina to New England and from thence to the said Islands. I proposed a means to the Assembly of North Carolina to increase their trade to Great Britain and the Sugar Islands by putting the ships that came from thence on the same footing with those whose Owners lived in the Country, who only are exempted from paying an Imposition of three shillings and fourpence Tonnage on each vessel but I could not prevail with the obstinate Assembly Men to act for their own Interest. No Negroes are brought directly from Guinea to North Carolina, the Planters are obliged to go into Virginia and South Carolina to purchase them where they pay a duty on each Negroe or buy the refuse distempered or refractory Negroes brought into the Country from New England and the Islands which are sold at excessive Rates.

For the Reasons already given and others which will be added, it is probable your Hon^{rs} may be of Opinion that the settling of a Collection on Ocacock Island for that part of North Carolina, which now includes the Collections of Currituck, Roanoak, Bath Town and part of Beaufort is proper for His Majesty's service and necesary for the improvement of Trade in that poor Country; If a Collection is settled at Ocacock it will be difficult to bring into that part of the Province any prohibited goods, or carry out innumerated Commodities, or Tobacco without paying the Kings Duty, because all Vessels that come down from the Rivers, or sail in from sea are to be seen long time before they enter the Harbour; for want of a direct Trade to the Sugar Islands and other places where the markets are proper to sell provisions, ten thousand fat Oxen and fifty thousand Hogs are computed to be drove yearly into Virginia from North Carolina and sold or bartered away to great disadvantage. If a Port is settled on Ocacock Island a Town will soon be built which will become in a little time a place of great commerce; the produce of that part of North Carolina which includes Neus River and extends to Virginia is sufficient to load two hundred ships and Sloops yearly to Europe and the Islands. I think it would be better for the Merchants here to

carry on that part of the Trade of North Carolina which is now in the Hands of New England Men, it would be much more Advantageous and profitable to the Planters in North Carolina if the Goods there produced proper to be sold in the Sugar Islands &c: were carried thither directly, and the returns brought back in the same manner, they would then obtain double what they get for their Commodities besides large [numbers] of Negroes would be sent to Ocacock and the Sellers find a ready market. When the Trade of North Carolina is in a proper Regulation and Management that Province will become beneficial to Great Britain it being capable of great improvement and may be in Condition to purchase considerable Quantities of English Manufactures.

Many other reasons may be given for sinking the Collections of Roanoak, Bath Town and Currituck and setting up a new one at Ocacock to serve instead of the three but I believe my paper is already of too great a length. I am

With very great Respect &c.

Sign'd . GEO: BURRINGTON

London 20th July 1736.

[B. P. R. O. North Carolina. B. T. Vol. 10. B. 14.]

My Lords [of the Board of Trade]

It is now above a year since I had the honour to hear from your Lordships except a few Lines by Mr Popple in December last, concerning Mr Littles Books, when I first appointed Mr Allen Receiver I ordered him to demand all the Papers, relating to the Quit Rents from Mr Littles Executors, And then he could get no more than three loose sheets of paper which gave no manner of light into that Affaire. If I could have procured anything which would give the least Information I had certainly transmitted it to your Board before this time.

It is a very great loss to this Province that we have not the Attorney Genlls opinion as to the Validity of those Pattents referred to him, I must beg the favour of your Lordships to advise His Majesty to determine them speedily in such manner as you shall think most proper. This long suspence keeps the whole Country in great confusion and I shall be heartily glad to see any issue to it, rather than have it remain any longer undetermined. If your Lordship should advise the King to allow of them all it is only the loss of five or six hundred pounds per annum to the Revenue, provided care is taken that no new ones which may be kept

in Petto and have never been recorded be Trumpt up for if that is not guarded against they may lay them on anybody's land they please and private property may suffer much by Peoples being robbed of their Improvements who have taken up Land under His Majesty as the others had, and perhaps still have the power of filling up the date of their Pattents as shall best suit them.

In order to settle this whole Affair, to doe justice to His Majesty and at the same time to show favour to the possessors of these Pattents (tho' I can't say their behaviour deserves much) I will venture with submission to propose the following Expedient to your Lordships. Primo. That as the most considerable Frauds in Lands, have been carried on since the year 1724 That no Pattents or titles preceeding that year shall be called in question on any pretence whatsoever. 2. That all persons who hold Lands by Pattents since the year 1724. If they have built upon or cultivated the same shall have them Confirmed at the Quitt Rents mentioned in their Pattents Provided such Pattents were preceeded by Regular Surveys. If not regularly surveyed, they may still have them at His Majesty's Quitt Rents. 3. That no Pattents for Land since 1724 which were never cultivated or built upon shall be deemed valid or good unless they were preceeded by regular surveys. 4. That all Pattents in the name of the Lords Proprietors since the soil became Vested in His Majesty be declared void. But to such as have cultivated even under these Pattents a Liberty be given to take up the Lands at His Majestys Quit rents. This is the best that I can think of but I once more repeat my request to your Lordships to putt an end to this Controversie one way or other and I shall most cheerfully do whatever you are pleased to direct.

There is another thing in this Province which occasions much debate and controversie amongst the People, Viz^{t} the payment of their Quit Rents in Commodities, there is no Law in the Province positively allowing this, and the Lords Proprietors demanded Payment in Gold and silver. but as they were very ill and negligently served by their officers here (the bad effects of which we their successors still feel) they took their rents in any Commodities they pleased to give them. The People now are willing to pay in the following Commodities and at the following Prices. Tobacco at 8^{s} 4^{d} per hund: Rice at 10^{d} ℔ p^{d} Dear skins at 2^{s} 6^{d} per h. Hemp at 3^{d} and Flax at 4^{d} ℔ h. But then they propose payment at so many different places that it would take more than one half to defray the Charge of collecting, besides the loss one would be at, in disposing of them in a Country where the Navigation is so indifferent and the disputes might be occasioned about the goodness of the Commodities. What

they really want to be at is to pay their rents in Tobacco and Rice at the prices above mentioned, but as my Instructions are positive to receive the Kings rents in Proclamation money only, I have always insisted on their passing a Law in Conformity to them and after getting this proof of their obedience then to address His Majesty to allow payment in their Commodities, and this method I design to continue in until I receive further Orders from your Lordships.

I have sent along with this the original Bills as read the first time in the Lower House for Payment of Quit rents and Officer Fees That your Lordships may see what strange unaccountable notions are instilled into the People by the late Lord Prop^{trs} officers and the Possessors of the Blank Pattents, if ever your Lordships should be of opinion that they may be permitted to pay in Commodities it would not be amiss to reject both Tobacco and Rice as these two Products are already so much overdone the one in Virginia and the other in South Carolina, and if this large fertile Country should run into the same it might sink their price already low enough still more, but to confine them to Flax and Hemp the former at 30 and the latter 20 per hund^{d} which might produce this good Effect to sett them upon raising these two usefull Materials for the British Manufacture and these Commodities ought to be collected at the Countrys charge, as Tobacco is in Virginia and paid in Neat to the Receiver. It is true in this case we must have Sherrifs as they have in Virginia for the Provost Martial and his Deputies will never be able to do it. Indeed there are a thousand inconveniencies in this wide extended Country for want of Sheriffs and the people are strangely bent upon having them established by a Law, and in Case they will give a Consideration to the Gentleman who enjoys at Present the place of Provost Marshall and who has behaved extremely well, I should be glad to have your Lordships directions, whether I might venture to give my assent to such a Law One thing I am sure of, it is impracticable to go on as we are at pres^{t} There is another notion the same possessors of Blank Pattents have carefully inculcated upon the People and which I cannot get the better of without a speedy Declaration of your Lordships Judgment upon it. My Instructions require the Payment of Quit rents in Proclamation money which I understand to relate only to the rents under the King of 4^{s} ℔ hund^{d} acres, but these gentlemen want to extend it to the old rents of six pence, one shilling and two shillings per hundred acres which before His Majestys purchase was always paid in sterling money without the least dispute and accordingly for their own lands which as they have managed matters are almost all at six pence or one shilling ℔ hund^{d} They offered four pence half penny and Nine pence to the

receiver, but I did not care for sinking one ¼ of His Majesty's Revenue upon what appeared to me so far fetched an Inference & so obliged them to pay in sterling as formerly. I hope I shall soon hear from your Lordships on this head also.

There is a practice of long standing in this country, which has heen of immense prejudice to the Revenue of the Lords Propᵉˢ formerly, and of the Crown now, that is the boxing of Pine Trees for Turpentine & burning the light wood for pitch & tarr, without ever taking out Pattents, or paying Quit rents for the lands which has entirely prevented their being taken up by any Person, they being generally of little value for any other purpose, & by this means in many parts of the Country the lands are waste & not a house to be seen in travelling a great many miles together. A few months after my arrival I published a Proclamation with the advice & consent of Council, offering a reward of £20 currency to any person who would discover such practices, so that they might be prosecuted in the Court of Exchequer, this has very much disobliged those who used to make great gains by such means.

I cannot forbear observing here My Lords that my condition has been very hard since I came here, purely because I have been so assiduous in taking care of the interests & Rights of the crown which is a very new thing in this country. In the time of the Lords Propᵉˢ their Officers collected the rents in a very incorrect slovenly manner, & what they did collᵗ was generally sunk among themselves. My Predecessor under the King never once attempted to collect His Maᵗʸˢ Quit rents or gave himself the least trouble about any part of the Revenue as far as I can learn, besides, he gave several Persons here of all even his most private Instructions, which has sett them (supposing mine to be the same) a cavilling & making strange inferences on every one of them, & as if all this was not enough, he has by several Letᵉˢ to People here boasted of many Audiences at your Lordships Board, that both His Majesty & your Lordᵖˢ entirely disapprove of my calling any Fraudulent Pattents into Question, of collecting the Quit rents in the manner I have done, & in short of every step I have taken, & he neglected, for his Majestys service entreating them to send over complaints & all the scandalous stories they can pick up against me & he would speedily do my business & get them another Governor who will suffer things to go on in the old way. As those letters have been read in the Fields of Election & other Publick Places it is natural to believe that in persons who were never brought into any order before, they must produce bad effects & make them highly insolent. I am sure I have found it very difficult to carry on business upon the Account of these confident assertions, that my conduct is

entirely condemned by your Lordships. I am very sensible how unjustly he has charged your Board by such suggestions as these, But still I must entreat that your Lordships would be so good as by the first opportunity to acquaint me with anything which you may think amiss in my conduct & to favour me with a hearty approbation in what you shall judge I have done according to my duty & Instructions and assurances of being supported in it. That I may have something to shew against my Predecessors assertions. It has been a great impediment to his Majestys service, that I have not had something of this nature before for your Lordships declaring in such strong terms in favour of a Court of Exchequer has quite silenced all the Clamours M^r^ Burringtons friends made on that subject. Besides, my Lords I am really very diffident of my own judgment in any matter of Consequence until I find it confirmed by yours upon which I always have and will depend.

The Receiver has collected of the Arrears of His Majestys Quit rents since 1729 above £4200 sterling which is more than ever was collected in this Country. But my Predecessors correspondents (who are highly blamed by him for their tameness in paying the Arrears) are by his Encouragement making strong Parties to oppose the next Collection tho' by your Lordships speedy answer I make no doubt but I shall soon get the better of them. The accounts are sent to the Lords of the Treasury by the Receiver.

I sent your Lordships the only Copies of our Laws I could procure last December with such remarks as my bad state of health would then permit me to make. I did venture at that time to desire you to advise His Ma^ty^ to repeal as soon as possible the Biennial Law & to order that no Precinct should on any Pretence whatsoever be Represented by more than two members & to discharge me from consenting to Erect any new Precinct without His Majestys permission. I am still confirmed in my Opinion of this matter, and I am satisfied we never shall have a Reason[able] Assembly while this Act subsists. I have by this Conveyance sent an attested Copy of the said Biennial Law & shall only observe 1 That it is highly unreasonable that any Assembly should presume to meet without His Majestys Writt, & therefore I dissolved them when they mett last. 2 The six Precincts in the County of Albemarle have in each five Members making thirty, & the number of People in it is I am sure not fifteen thousand, which is by much too large a Representation. 3 The whole lower House by this means consists of forty six & it is impossible to pick out in the whole Province so many fitt to do business. 4 The greatest objection is that there must be a new election every two years which is too short a time to settle a Country which has been so long in

confusion, & men of sense who sincerely mean the Publick good are so much afraid of the next Elections that they are obliged to go in with the majority whose Ignorance & want of education makes them obstruct everything for the good of the Country even so much as the Building of Churches or erecting of schools or endeavouring to maintain a direct Trade to Great Britain. If your Lordships approve of this I beg no time may be lost but I may have this Repealed by the way of Virginia & South Carolina by June next at farthest and the Governors of these Provinces may have orders to forward it. This one thing would contribute to the quiet & settlement of this Country more than I am able to Express.

Inclosed I send your Lordships an Estimate of the Charges (not received) in running the line between this Province and South Carolina I must do the Gentlemen concerned the justice as to say that they performed their business with great diligence and exactness, that they endured very great fatigues and were at great Expenses. Before they finish this Affair they want to be directed by your Lordships where to apply for payment whether to His Majesty or to Assembly here.

I have according to your orders sent a state of the Currency of this Province & hoping speedily to hear from your Board, I remain

Your Lordships most &c

GAB: JOHNSTON.

Edenton in North Carolina
15th of October 1736.

State of the present Currency in North Carolina.

In the year 1722 an Act passed the General Assembly for maturing the sum of £12000 paper bills of Credit which was then the only Currency or portable Medium of Trade subsisting in the Province. Although no Provision was made by the Act for sinking them nor were they of any other value than what comon consent and the quick circulation stampt upon them.

But as in time these Bills being written became obliterated and defact and the General Assembly (not deeming this to be a sufficient Currency to carry on the trade of the Province) did in November 1729 pass another Act for making and emitting the sum of forty thousand pounds Publick Bills of Credit Ten Thousand Pounds of which was by this Act appropriated to Exchange as much of the old Currency £2000 being then supposed to be lost Torn or defact which was accordingly done. The other £30000 was let out to interest on land security for the space of fifteen Years at the rate 6 74 ℔ Cent interest, and one fifteenth part of

the Principal to be annually paid in to the Treasurers for that purpose appointed which interest and principal was to be sunk as the Paym^{t} should be made.

By this calculation the £30000 so let out would in fifteen years amount to £45000 which is £5000 [more] than the whole of this Emission & consequently the Province would gain so much at the Expiration of the said Term which sum of five Thousand Pounds was by this Act directed to be taken out of the first money that should arise and applyed to the Payment of the Com^{rs} & Treasurers appointed to Execute it and other Charges of the Government.

In February 1730 [1731] Governor Burrington arrived in this Province, and soon after declared the Law before mentioned to be invalid as having been past since the Act for vesting the Province in His Majesty and forbade any of the Precinct Treasurers receiving the interest and principal of the money so let out as being illegal which they readily complied with so that the whole sum circulated during the time of his Government without any annual deduction, as the Law intended by which and some other means the Currency became greatly depreciated.

On the arrival of His Excellency Governor Johnston he immediately issued a Proclamation, commanding all the Precinct Treasurers to be ready to lay out their Accounts before the Generall Assembly then called to meet at Edenton the 15th of January 1734, and to pay in their several sums received by virtue of the aforesaid Act, most of which Accounts were accordingly product but not one tenth part of the money then due the particulars of which are here annexed.

There being at this time a large Arrear of Quit rents due to His Majesty, and an Act then depending in both Houses, for the settling and paying the same for the future it was apprehended that the annual sinking of the Currency as before mentioned would greatly distress the Inhabitants in such payments for want of a sufficient paper Currency (silver and Gold being not to be had) a Bill was therefore brought in which on the 1st of March past into an Act for stamping and exchanging the present Bills of Currency etc. whereby it was enacted that from the 30th day of Aprill 1734. All the money then due by virtue of the Act in 1729 as well as what should become annually so should again be let out at Interest of 6 per cent: ℔ annu: (the Principal to be kept entire) for the space of Ten years at which time the £40000 Act Expired and this was intended purely for the benefit of the Inhabitants of the Province that they might be certain of at least a Currency of £40000 for Ten years to come. By this Act also the Commissioners appointed to stamp the Paper Bills were impowered to stamp the sum of £2500 over and

above the £40000 to defray the Charges of it, which sum was included in an estimate of the Debts of the Province which amounted to the sum of £14150.3^{d} And on the first of March an Act passed for granting to His Majesty the sum of £14150.3.2 etc^{a} to be raised by a Poll Tax of 5^{s} per head pay^{a} in five years but because it was absolutely necessary these Debts should be paid off as soon as possible His Excellency consented to a Clause in the same law for stamping £10000 more to be sunk by this Tax and a Law for laying a Duty on liquors imported past at the same time so that there is now circulating in the province the sum of £52500 except what of the old Bills as may be lost or destroy'd Viz^{t}

By an Act for stamping the Currency past the first of March 1734	£42500 " – "
By the Tax Law	10000 " – "
	£52500 " – "

Received with M^{r} Johnston's Letter of 15th of October 1736.

A Bill for providing His Majesty a Rent Roll for securing His Majesties Quit Rents for the Remission of Arrears of Quit Rents & for quieting the Inhabitants in their Possession & for the better settlement of His Majestys Province of North Carolina.

Whereas by an Act of Parliament passed in Great Brittain in the second year of His present Majesty King George the second entituled an Act for Establishing an Agreement with seven of the Lords Proprietors of Carolina for the surrender of their Title and Interest in that Province by virtue of which said Act the several parts and shares of seven of the late Proprietors therein named (Except as therein is excepted) are now become vested in His Majesty his Heirs & Successors together also with seven eight parts of all and every the Arrears of Quit Rents and other Rents sum and sums of money debts, dues, Accounts, Reckonings Claims & Demands whatsoever due to the said last mentioned Proprietors to the first day of June 1729 And whereas the Kings most Excellent Majesty as a mark of His Royal and Fatherly indulgence to the Inhabitants of this Province has been graciously pleased to impower His Excellency Gabriel Johnston Esq^{re} Governor etc to give his assent to a Law for remitting all such Arrears, as were due from the Inhabitants thereof at the time of His Majestys purchase and to direct that the Inhabitants of this Province claiming Lands by any Pattents or Grants (should in order to the forming a Rent Roll) forthwith Register the same in the office of the Auditor General or his Deputy that for the future

the Annual Rent reserved on such Pattents or Grants might be the better ascertained and paid. We therefore humbly pray your most sacred Majesty that it may be Enacted and it is hereby Enacted by his Excellency Gabriel Johnston Esq^re^ Governor the Council and General Assembly of the said Province now met at Edenton that all Persons seized or possessed of any Lands in this Province by any Title or Claim whatsoever under the late Lords Proprietors shall within eighteen months after the breaking up of this Assembly Register the Originall Pattents or Grants or Mesne Conveyances or Abstract of such original Pattents Grants or Mesne Conveyances by which they hold the said Lands in the office of His Majestys Auditor General or his Deputy if such original Pattents or Grants or abstract of such Original Patents Grants or Mesne Conveyances are not already registered in said office And that the Auditor General shall Register the said Grants & mesne Conveyances or abstract of such Original Patents Grants or Mesne Conveyances without Fee or reward and that all Grants already made by His Majesty shall in like manner be registered in Eighteen months after the breaking up of this Assembly and all Grants hereafter to be made by His Majesty his Heirs & Successors shall in like manner be registered within Twelve months from the date of the said Grants, and the said Auditor or his Deputy shall be allowed for registring every Grant passed or to be passed since His Majestys Purchase or a memorial or abstract thereof and giving a Certificate thereon seven pence half penny Proclamation Money or the value thereof in the Currency of this Province for every Copy sheet that is to say for every ninety words and no more. And to the end that all Persons may know where to resort to for Registering their said Grants or Mesne Conveyances by this Act directed to be Registered by the Auditor Gen^ll^ or his Deputy without Fee or reward. It is hereby further Enacted that the Auditor General or his Deputy or some Person appointed by him do attend at the respective Court houses in each precinct, day within the time by this Act appointed for Registering the same and to give Publick notice of the days that he intends to attend for Registering the same. And that for the Registering all Grants which shall hereafter be made, the Auditor General or his Deputy or some person authorized by the said Deputy shall attend at Edenton. And be it further Enacted by the Authority aforesaid that all Grants and Pattents whether under the late Lords Proprietors or His Majesty and all Mesne Conveyances by this Act directed to be Registered which shall not be Registered in manner aforesaid shall be held deemed and taken to be null and void, and the lands thereby granted to be vacant lands, and shall and may be granted by His Majesty to any persons whatsoever excepting all Orphans and

Minors, who shall be allowed three years after they are at age if it shall be neglected by their Guardians or Trustees but if such Guardian or Trustee shall neglect to have such Orphans or Minors land Registered as aforesaid such Guardian or Trustee shall forfeit the sum of Two Hundred and fifty Pounds Currency Money to be recovered of any Court of Record of this Province one half to the Informer and the other half to the Orphan or Minor so injured unless such Guardian or Trustee doth within twelve months after the breaking up of this Assembly appear before the Auditor General or His Deputy or the precinct Court where such Guardian or Trustee reside and make Oath that he hath not in his Custody the Grant or Mesne Conveyance by which the Orphan or Minor holds lands and that he cannot procure the same a Certificate of which Oath taken before the Precinct Court shall without delay be transmitted by the C^{lk} to the Auditor General or his Deputy excepting also all Persons now absent or beyond seas who shall be allowed five years for registering their Grants as aforesaid. And be it further Enacted by the Authority aforesaid that all persons who were in possession of any Tracts of land Tenements or Hereditaments in the said Province before the twenty fifth day of July in the year of our Lord one thousand seven hundred and twenty nine being the time when the several parts and shares of seven of the late Lords Proprietors became vested in His Majesty and have no Title deeds to produce from the late Lords Proprietors their Governor or Comand^{r} in Chief or shall be in actuall possession at the time of applying for a Grant upon due proof made before the Governor or Comander in Chief for the time being in Council of such possession such person or persons shall be intituled to a Grant of so much of the said Land so possessed at the rate of fifty Acres for each person black or white his family consists of, or according to the proportion of one hundred acres for every three Acres he has cultivated or improved at the Quit rents directed at His Majestys Instruction, but if such land should lye in Albemarle County, then upon such terms as should be agreeable to the directions of the late Lords Proprietors for granting lands pursuant to the Deed of Grant dated May the fourth one thousand six hund^{d} and sixty eight. And if any person shall be posses't of land which has been actually surveyed and measured out to him by any Surveyor, or proof of such survey being made he shall be intituled to His Majestys Grant preferable to all others for the Lands contained within the bounds of such survey and in Case any person posses't of Lands as before recited shall neglect or refuse to apply for a Grant for such Lands before the Twenty fourth day of June in the year of our Lord one thous^{d} seven hundred thirty seven then the said Tracts to revert to the Crown and be

disposed of by His Majesty to any person whatsoever excepting all Orphans & Minors who shall be allowed three years after they arrive to age to apply as aforesaid if the same shall be neglected by their Guardian or Trustee & such Guardian or Trustee so neglecting to apply in behalf of such Orphan or Minor shall forfeit the sum of Two hundred & fifty pounds Currency money to be received in any Court of Record in this Province one half to the Informer and the other half to the Orphan or Minor so injured excepting all such persons now absent or beyond the seas who shall be allowed five years for making such applycation by themselves or their Attorneys.

And be it also further Enacted by the authority aforesaid, that all and every person and persons who are now possesst of or do hold any Messuages, Land, tenements or hereditaments whatsoever in the Province of North Carolina by and under any original Pattents, Grants or Deeds whatsoever provided the same have been obtained without Fraud covin or any deceit either from the said Lords Proprietors or from their Palatine or his Deputy or from the Deputys of the late Lords Proprietors lawfully appointed or from the Governor and Council for the time being lawfully impowered to make such sales, Grants Pattents and Conveyances, or by Conveyance from any person whatsoever holding under such original Grants, may hold use occupy & enjoy all and every such Messuage, lands, tenements and hereditaments whatsoever to them their heirs, Executors, adm^{ds} & assignes respectively according to the several tenures in such original pattents grants deeds or mesne Conveyances & that from & against his Majesty, his heirs and successors from and against all and every the said Lords Proprietors & their heirs and all and every person or person whatsoever, save and except as herein after is saved & excepted and that for and notwithstanding any misnomer of the names of any of the said Lords Proprietors or their deputies any want of significant & necessary forms or words in Law for conveying such Lands any Omission, Commission or mistake whatsoever in the said Grants done Omitted or Committed by all or any of the late Lords Proprietors their Governors, Deputys or Trustees commissioned by the said Lords Proprietors for settling, granting or conveying Lands in this Province & also for & notwithstanding the Lands granted or conveyed or intended to be granted or conveyed by such Patents Grants or deeds have not been sufficiently described or ascertained Provided nevertheless that such Lands or some part thereof have been regularly surveyed meeted out or ascertained by survey to such Pattentees, Grantees or purchasers or to their heirs or assignes or to the heirs or assignes of the persons named as pattentees, grantees or assignees in such Pattents or grants

or deeds of assignment or to their or either of their Attorneys or Agents in their behalf by the survey of a survey^{r} or Surveyors so as part of such Pattent Lands are certifyed or returned into the secretarys or Surveyor General's Office by a Surveyor or Surveyors lawfully appointed.

Saving to all & every Inhabitant or Inhabitants of the County of Albemarle & to their heirs such rights priviledges & immunitys they may can or shall lawfully claim possess hold or enjoy by virtue of the great deed of Grant from the late Lords Proprietors to the County of Albemarle under this great seal of this Province to the said County of Albemarle bearing date May the fourth 1668 Provided also that nothing in this Act contained shall extend or be construed to abridge lessen or take away any of the Priviledges & Rights aforesaid by the said great deed granted to the Inhabit^{ts} of the aforesaid County of Albemarle & their heirs etc.

And be it further Enacted by the authority aforesaid that no Grants of Land which shall be made by His Majesty his Governor or Commander in Chief for the time being shall be deemed a barr against the claim of any person or persons whatsoever or bodies Pollitick or Corporate saving against His Majesty his heirs & successors & against the late Lords Prop^{rs} Provided nevertheless that if no legal claim be made within five years after the date of His Majestys grant or the grant of the late Lords Prop^{rs} their Governor or Commander in Chief for the time being such Grantee or Grantees continuing during that time in quiet & peaceable possession of the Lands thereby granted such Grants are hereby declared to be good in Law & a perpetual barr against all persons claims or demands whatsoever saving to Minors who shall prosecute such their claim within three years after they shall come of age saving the rights also of persons beyond the seas who shall be allowed five years by themselves or Attorneys to prosecute the same Provided also that nothing in this Act contained shall Extend or be construed to alter or abridge the Right Hon^{ble} Lord John Carteret his heirs, Exe^{trs}, Adm^{rs} or Assigns or the said Lords Prop^{rs} or their heirs of any Estate right, title or interest whatsoever which have or hath been saved & reserved unto the said John Lord Carteret or to the late Lords Prop^{rs} or any of them in & by the Act intituled an Act for establishing an agreement with seven of the Lord Prop^{rs} of Carolina for the surrender of their title & interest in that Province to His Majesty nor to receive or enlarge any Estate or right or interest whatsoever in the said Lords Prop^{rs} in any of them their or any of their heirs of in & to the Provinces, territories aforesaid or any part thereof which they or any of them have granted & conveyed as aforesaid to any person or persons whatsoever or

which they have surrendered to His Majesty by virtue of the last herein before recited Act. And be it further enacted by the authority afores^{d} that all persons seized or possest of any land granted by His Majesty his Gov^{r} or Com^{dr} in Chief for the time being within this Province (which have not already been clear'd & cultivated) shall be obliged to settle & cultivate them in the manner following, that is to say, every owner or possessor of such lands shall within three years after passing this Act clear & inclose three Acres of every hundred he is so seized & possesst of or in lieu thereof shall upon each tract or parcell of Land he possesses build one sufficient & inhabitable house and shall put on at least five head of Cattle for every five hundred acres & so in proportion for a greater or lesser quantity of acres on the said land & all persons who after the passing of this Act shall obtain grants of Land shall within three years after the date of the said grants be obliged to cultivate or put on five head of Cattle & build one sufficient & habitable house & in case of neglect the said grants to be null & void & the lands thereby granted to revert to his Majesty Provided always that nothing in this Act shall be construed, Deemed adjudged or taken to invalidate or set aside any grant or patent for land passed under the Seal of the late Lords Prop^{rs} either in England or this Province so as such grant or pattent is already registered or shall be tendered to be registered within the time limited within this Act. And be it further Enacted by the Authority afores^{d} that all the Arrears of Quit rents now due or that shall become due to His Majesty his heirs & successors shall be paid to the Receiver Generall in silver in the Proclamation standard or in gold equivalent thereto or in paper Bills of Credit of this Province or in such Comodity's thereof as in this Act is hereafter provided & for the better ascertaining the value of such bills of Credit & the proportion they do or shall bear to Proclamation money. Be it Enacted by the Authority aforesaid that the said exchange shall be regulated Yearly by the Governor the two Senior Members of Councill the Attorney Gen^{ll} the Receiver Gen^{ll} & the Auditor Gen^{ll} (for the time being) or their Deputys. The Speaker of the Lower House of Assembly & six other members appointed by the said House or the Majority of them Provided if such Majority as shall be an equall number of the Committee of Burgesses & of the officers of the Crown present & for the appointment of the said Committee of Burgesses.

Be it Enacted by the Authority afors^{d} that the House of Burgesses in each Session of Assembly shall nominate & appoint six of their Members who together with the Speaker shall continue & remain a Committee on the part of the People untill the next Session of Assembly after such

appointment for settling the equivalent in manner Afores[d] any prorogation or dissolution of the General Assembly notwithstanding & in case of the death of any of the said Committee of Burgesses between the two Sessions of Assembly the survivors of the Committee are hereby empowered to Elect any other Burgess of the preceeding Assembly in room of the person Dead, which person so elected shall have the same power as if nominated by the Assembly for settling the Equivalent.

And all the persons concerned in fixing the said Exchange shall be obliged before they give their Opinion to swear and subscribe the following Oath I A B. do solemnly swear that in ascertaining the proportion betwixt the value of the Bills of Credit of this Province & Proclamation money I will give my opinion according to truth & as the Exchange at present takes place in Trade & that to the best of my knowledge I will in this Affair do justice betwixt His Majesty & his Subjects. So help me God.

And be it Enacted by the Authority aforesaid that His Majestys Quit Rents shall be paid annually in the County of Albemarle in the month of January & in the County of Bath in the month of February & that the Receiver General shall give proper notice at least one month beforehand of the different days on which he will attend at the different Precincts & at the Places in this Act mentioned. And be it further Enacted by the Authority afors[d] that all Arrears of Quit rents now due or which hereafter shall become due to His Majesty his heirs & successors shall be paid to the Receiver Generall or such Collectors as shall be appointed to receive the same in silver at the Proclamation standard or in Gold equivalent thereto or in paper Bills of Credit of this Province at the Exchange as regulated by this Act or in such Comoditys & at such several respective Prices hereinafter rated & exprest Hemp merchantable at 3 pence ℔ pound Flax merchantable at four pence ℔ pound Rice merchantable at ten shillings ℔ hundred Tobacco eight shillings & four pence ℔ hundred Drest Deer skins at two shillings & six pence ℔ pound. And be it Enacted by the Authority aforesaid that the Quit rents which hereafter shall become due to His Majesty shall be paid at the respective Court houses of the Precincts where such lands lye & at the several places hereafter mentioned, that is to say, At the Court House in Currituck in the Court house in Pasquotank, at the Court House in Pequimmons, at the Court House in Edenton for Bartie and Edgcomb at Out Law's landing upon Chowan at a place called the Old Plantation upon Coshia River & at Killingsworth landing on Morratuck River, for Terrill & M[r] Leighs at the mouth of Kindericks Creek, for Beaufort at Bath Town for Hyde at M[rs] Websters, for Craven at Newbern Town for Carteret Precinct at

Beaufort Town, for Onslow at the Court House for New Hanover at New Town & for Bladen at the Court House, & all & every person or persons so carrying his rents shall and may retain in his own hands for his charge of carrying to the said places ten ℔ cent for ten miles & under fifteen ℔ cent for all above ten miles & under Twenty ℔ cent for all above Twenty miles, & because it may so happen that it may be more convenient for many persons to pay their Quit rents at other Places than in their Precinct where their lands lye Be it Enacted by the Authority afores[d] that it shall & may be lawfull for any person to pay his Quit rents at any of the Places before in this Act mentioned, & the Collector or Receiver appointed for every Place as aforementioned shall receive such Quit rents as are tendered unto him & such Collectors receipts shall be sufficient as if the same had been paid in the Precinct where the land lyes. And be it Enacted that the rents of such Lands as have already been granted or that hereafter shall be granted by His Majesty shall become due only from the date of the Pattent by which the said lands were granted. And be it further Enacted by the Authority afores[d] that in Case any Person or persons shall be in his Arrears to His Majesty for any quit rents or parts of Quit rents, the Receiver Generall or any person by him appointed shall enter into the Lands of the Defaulter & distrain & the proceedings thereon shall be according to the Laws, statutes & usages of England, & if it shall so happen that any Person shall be in the Arrear of Quit rents for the space of five years, & no distress can be found on the Land for which such Quit rent is due that then on inquisition & office found the said Land shall revert to his Majesty his heirs & Successors.

And be it further Enacted by the Authority afores[d] that no Rice, Corn or other grain whilst in the sheaf or ear either in the field or barn, shall be lyable to any Distress for Quit rents or other rents whatsoever till threshed out, nor Negros or other slaves, nor Wagons, Carts or Carriages, loaden or unloaden going in the Kings High Road or Private Path to or from a landing, nor horses or oxen drawing the same, nor the loading so carryed or drawn, nor any goods in Boats, Perriangurs or other Vessels on the water, nor horses nor oxen of the Plow on any Plantation where other horses or Cattle are shewn or delivered, nor mills nor other Plantation tools or utensils, or Canoes, boats or Perriangurs belonging to the owner or any other person when other sufficient distress is shewn or produced, nor shall any distress be severed & drove or carryed to more than one place to put the parties to charge.

And be it further enacted by the authority afors[d] that in case any distress & sale as afores[d] shall be made by colour of this Act or otherwise

of any Quit rents pretended to be due & in arrear, or if any distress or distresses shall be taken & sold contrary to the true intent & meaning of this Act that then the owner of such goods so distrained & sold as aforesaid his Exe^{rs} or Adm^{r} shall & may by action of trespass or upon the Case to be brought against the Person or persons by whose Warrant or Command such distress was made any or either of them, his or their Exe^{rs} or Adm^{rs} recover double the value of the goods or chattels so distrained & sold together with full cost of suit And whereas many original Pattents or grants from the late Lords Proprietors may be lost or destroy'd Be it therefore Enacted by the Authority aforesaid that the Records of such Patents or grants or the abstracts of them recorded in the Secretarys Office or the Exemplification of the records of such Pattents or Grants shall be as good, as if the originals were produced, and that they may be pleaded & given in evidence as well as if the originals were in being. Provided always that such abstracts or Exemplification shall be Registered or tendered to be registered in the office of the Auditor Generall or his Deputy as before is in this Act directed; And that if the Quit rents reserved on such Pattents or Grants cannot be discovered in the Records that then the Grantee shall be chargeable with the highest Quit rent that was actually reserved & made payable to the late Lords Proprietors in the County where such Land lyes.

And be it further Enacted by the Authority aforesaid, that if upon any survey hereafter to be made of any Persons Land it shall appear that there are more Acres of Land contained within the Bounds of his plot, or the marked Trees or stakes, specified in the said Plot than is Exprest in the Grand Deed, by which any person holds the same, that then the Person Claiming such overplus as being contained or supposed to be contained within the Bounds of his plot or marked Trees, shall be preferred to a new Grant thereof, before any Person whatsoever at the same Quit rent reserved on his Original Grant or Deed, And if it appears that any Person hath a less number of Acres than by his Grant or Deed is Expressed; that then & in such case he shall pay Quit rent for no more land, that what he shall appear to be possessed of on such new survey, anything herein contained to the contrary thereof in anywise notwithstanding. And where there is a less Quantity of Acres of Land in any Persons Grant or Deed than his Grant or Deed expresses, such Person shall be intituled to a new Grant of Vacant Land to make up the Deficiency, at the same Quit rent that is reserv'd on such Grant or Deed.

And be it further Enacted by the Authority aforesaid, That all Arrears of Quit rents that were due & owing to the late Lords Proprietors or his Majesty on the twenty fifth day of July in the Year of Our Lord

1729 by the Inhabitants of this Province, be and are hereby remitted and discharged.

And be it further Enacted by the Authority aforesaid, that any Officer or Officers or other Persons who shall at any time be sued or impleaded for putting this Act in Execution, it shall be lawfull for such Officer or Officers, Person or persons, to plead the Gen^{ll} Issue & give this Act, and the especial matter thereof in Evidence and that this Act shall be held deemed and taken as a Publick Act.

A Bill for providing his Majesty a Rent Roll, for securing His Majesty's Quit rents for the Remission of Arrears and for quieting the Inhabitants in their Possessions etc.

9th October 1736. Read the first time & passed

Per order J. PRATT C^{lk} Gen^{ll} Ass^{bly}.

Sent by M^{r} Hodgson, M^{r} Montgomery

October 11th 1736 Read in the Upper House the first time and Rejected By Order J. ANDERSON C^{lk}.

(Endorsed)

Referr'd to in Gov^{r} Johnston's Letter of October 15th 1736.

A Bill for an Act for ascertaining & regulating Publick Officers Fees and Officers.

Whereas all Extortions, Exactions and Corruptions are and ought to be odious and prohibited in all well governed places whatsoever, for prevention therefore of such Evils we pray it may be enacted by his Excellency the Governour and Council and general Assembly and by Authority of the same that no publick Officer or person whatsoever shall at any Time or Times hereafter take or require any sum of money, fee or reward whatsoever for any Matter, thing or business belonging to his or their respective Office, Place, Profession or Employment mentioned in this Act other than such and so much Fees as are hereafter in the respective Table of Fees hereto annexed set down omitted and appointed in Proclamation money on the pains and forfeitures hereafter mentioned and expressed any Law, Usuage or Custom to the contrary or any wise notwithstanding.

GOVERNOUR'S FEES

For every Grant of Land or Patents signed or to be signed for six hundred and forty acres and under— Ten shillings			
Every Grant or Patents for more than six hundred and forty acres.	1 "	0 "	0
To the Governour's Secretary for the Seal & Wax	— "	5 "	—

Signing a Testimonial and Seal.	— "	10 "	—
Signing Letters of Administration.	— "	8 "	—
A Marriage Licence.	— "	10 "	—
The Probate of a Will & Letters Testamentary	— "	10 "	—
Letters of Guardianship.	— "	8 "	—
A Warrant for Land.	— "	2 "	6
A Certificate or Register for a ship or vessell under 30 tons.	— "	5 "	—
All above 30 tons.	— "	10 "	—
Any Commission for a place of profit.	2 "	— "	—
The Governour's private Secretary for the same.	— "	5 "	—

FEES IN CHANCERY.

Signing and sealing an Injunction to stop suits of Law or to stay coaste.	— "	8 "	—
Signing a Decree in Chancery.	— "	14 "	—
Signing an Exemplification of a Decree and seal thereto.	— "	14 "	—
Admission of an Infant to appear by Guardian	— "	2 "	6

REGISTER OR CLERK IN CHANCERY

Drawing and entring all orders of Court ℔ Copy Sheet containing fifteen lines and six words in a line.	0 "	0 "	7½
Entring all Depositions, affidavits, Interrogatories, Decrees ℔ Copy sheet.	0 "	0 "	7½
Entring a Cause for hearing.	— "	1 "	3
Every Subpœna Capias Attachm^{t} habeas corpus &c:	— "	2 "	3
Every Injunction.	— "	4 "	—
Filing every Bill, Answer Demurrer Replication &c:	— "	— "	6
Copying all Bills, Answers, Demurrers Replications Rejoynders ℔ copy sheet	— "	— "	7½
Every Warrant of Comitment	— "	2 "	6
Filing every petition or affidavit.	— "	— "	6
Drawing every Recognizance	— "	2 "	6
Exemplification of the Proceedings in any Cause per copy sheet.	— "	— "	7½

SECRETARYS FEES.

A Warrant for Land.	— "	2 "	6
A Grant or Patent for Land if 640 acres or under & recording the same.	— "	10 "	—

Ditto if above 640 acres.	— "	15 "	—
Letters of Administration and Bond.	— "	8 "	—
Writing the Probate of a Will and Letters Testamentary.	— "	5 "	—
Copy of a Will each Copy sheet.	— "	— "	7½
Letters of Guardianship.	— "	— "	8
A Caveat.	— "	2 "	6
A Testimonial and the Seal thereto.	— "	7 "	6
Every search.	— "	1 "	—
Recording a Will or any other Writing per Copy Sheet.	— "	— "	7½
For every Commission	— "	6 "	—

PUBLICK REGISTERS FEES.

Registering any Conveyance, Grant, Lease Letter of Attorney Bond or other Writing ℔ Copy Sheet.	— "	— "	7½
Copies of any Deeds &c: registered in the Office ℔ Copy Sheet.	— "	— "	7½
Every Search.	— "	1 "	—
Entring Satisfaction on any Mortgage.	— "	2 "	6
A Certificate at the request of the party.	— "	2 "	—

CHIEF JUSTICES FEES IN THE COURT OF COMMON PLEAS.

Every Capias Subpœna, or other writ or process of return.	— "	2 "	6
Entring Satisfaction.	— "	1 "	—
Entring an Action in the Judges Book that goes to a Jury.	— "	5 "	—
Taxing a Bill of Costs.	— "	3 "	4
Drawing a speciall Jury.	— "	5 "	—
Every speciall Court and attendance thereon.	1 "	— "	—
Every order of Court.	— "	1 "	—
Bail taken before him.	— "	5 "	—
The admission of any person to be an attorney of the Courts.	4 "	— "	—
Every judgment confessed at large out of Court.	— "	9 "	—
Signing a Testimonial of a Woman's Examination and renouncing her Right of Dower or inheritance.	— "	10 "	—
Every affidavit drawn at large.	— "	2 "	6
Examination of Witnesses out of Court each.	— "	5 "	—
Every other affidavit.	— "	1 "	—

Every speciall Warrant under the hand of the Chief Justice and the seal of the Court.	— "	2 "	6
Every Judgment at large.	— "	2 "	6

HIS FEES AT THE SESSIONS.

Every Recognizance taken before him.	— "	5 "	—
Every Indictment found bella vera.	— "	4 "	—
Every Writ.	— "	2 "	6
Every Warrant under his hand.	— "	4 "	—
Taxing a Bill of Costs.	— "	2 "	6
Every Order of Court.	— "	2 "	—

CLERK OF THE COURT OF COMMON PLEAS

Every Writt	— "	1 "	—
Filing a Declaration Plea, Replication Demurrer Joynder in Demurrer	0 "	0 "	9
Copying a Declaration or other Writing ℔ Copy Sheet	— "	— "	7½
Reading a Bond Deed or power of attorney	— "	— "	7½
Every order of Court ℔ Copy	— "	— "	7½
Every search in the Records	— "	— "	7½
Signing any Judgment at large	— "	2 "	6
Attending, drawing a speciall Jury at a speciall Court	— "	5 "	—
Each days attendance at a speciall Court.	— "	5 "	—
Drawing a Recognizance & attending on taking every speciall Bail.	— "	2 "	6
Recording every writing per Copy Sheet	— "	— "	7½
Receiving money into Court and paying it out again	one and a half per Cent		

HIS FEES AS CLERK OF THE CROWN.

Reading a Petition or other Writing	— "	— "	7½
Entring an Order by the Copy Sheet.	— "	— "	7½
Copy of an Order by the Copy Sheet.	— "	— "	7½
A Bond.	— "	2 "	—
A Committment.	— "	1 "	—
Filing a Petition or any other Paper.	— "	— "	6
Drawing any Warrant.	— "	2 "	6
A Writ of Restitution.	— "	2 "	—
Every Man arraigned.	— "	4 "	—
Every Indictment.	— "	1 "	—
A Traverse or Release or any one acquitted by Proclamation.	— "	2 "	—

Writing a Recognizance by Copy Sheet.	— "	— "	7½
Every Subpœna.	— "	1 "	—
The Copy of an Indictment.	— "	— "	7½
Writing the presentment of a Constable.	— "	— "	7½
Every cause entered in the Kallender Order.	— "	1 "	—
Recording the Proceedings of a Cause each Copy Sheet.	— "	— "	7½
Every Certificate of a Coroner having returned an Inquisition into Court.	— "	2 "	9
Swearing every Evidence	— "	— "	7½

THE JUDGE OF THE ADMIRALTY FEES.

A Warrant of Arrest and each other Warrant.	— "	2 "	—
The Return thereof.	— "	1 "	—
Admitting the Libels.	— "	2 "	—
Citation of Witnesses.	— "	1 "	3
Examining Witnesses each.	— "	2 "	—
Administring an Oath.	— "	1 "	—
Every Order entered and signed by the Judge	— "	1 "	—
Every Interlocutory Decree.	— "	1 "	—
Definitive Sentence	— "	10 "	—

REGISTERING THE ADMIRALTY HIS FEES.

Every Warrant.	— "	2 "	—
Filing every paper and Instrument exhibited in Court.	— "	1 "	—
Every Citation.	— "	1 "	—
Every Witness Sworn.	— "	1 "	—
Reading every Libel and answer, each.	— "	2 "	6
Every Copy of the proceedings in the Court each Copy sheet containing ninety words	— "	— "	7½
Entring every order.	— "	— "	9
Every final sentence.	— "	5 "	—
Entring motions in Court.	— "	— "	6
Interrogatories and Answers per Information each Witness interrogated.	— "	2 "	6
Entering the Return of every warrant.	— "	— "	7½
Copy Appraisement with Schedule.	— "	5 "	—
Notification of Sale.	— "	1 "	3
Exemplification of every Cause per Copy Sheet	— "	— "	7½
Reading the Marshalls return of every Writ Summons &c:	— "	— "	7½

Drawing and engrossing Testimonials signed by the Judge to be affixed to Exemplification &c:	— "	1 "	3

THE KINGS ADVOCATE HIS FEES.

His retaining Fee.	1 "	— "	—
Taking out a Warrant for Arrest.	— "	5 "	—
Drawing and engrossing every Libel, Answer Allegation, Interrogatory or other Instrument Exhibited in Court per Copy Sheet.	— "	— "	7½
Abbreviating every Copy Sheet of Instruments exhibited by the adverse party.	— "	— "	7½
Every motion made in Court.	— "	2 "	6
Taking out each Citation for Witnesses.	— "	1 "	3
His Fees on arguing any Matter of Law.	— "	10 "	—
His Fees on examination of Witnesses in ordinary cases for each Witness.	— "	1 "	3
Proctors Fees the same except retaining Fee to be but 10^{s} & on arguing matters of Law.	— "	5 "	—

MARSHALS OF THE ADMIRALTYS FEES

Serving every Warrant on Land.	— "	2 "	6
Do: on Water.	— "	8 "	—
Each day keeping a Vessell in his Custody.	— "	5 "	—
Serving each Citation.	— "	1 "	3
Selling Vessels and Goods and paying the Money 5 ℔ Cent.			

PROVOST MARSHAL'S FEES.

Summoning a speciall Jury.	0 "	10 "	—
Serving every Writ.	— "	6 "	—
Returning the same.	— "	1 "	6
A Bail Bond.	— "	2 "	—
Summoning the Jury and returning the each cause tryed.	— "	1 "	—
Calling each action.	— "	— "	4
Serving a Subpœna or Rule of Court.	0 "	1 "	—
An Execution on the Body or Goods if not above 100 Current Money Twelve pence per pound; if above 100 for each pound above six pence.			
Dyet of White prisoners ℔ diem allowing one pound of Bread and one pound of flesh all wholesome provision.	0 "	1 "	3

Copy of a Comitment.	— "	1 "	—
Waiting on any person a habeas corpus each day.	— "	5 "	—
Each person presented and prosecuted.	— "	2 "	—
Each person acquitted by Proclamation.	— "	1 "	—
Serving an order of Council in Criminal Matters and not otherwise.	— "	5 "	—
Comitment of any person.	— "	2 "	—
Going by Water each mile but nothing for returning.	— "	— "	3

REGISTER OF BIRTHS AND MARRIAGES.

Registering any Birth or Marriage.	— "	1 "	3
Searching the Registry.	— "	1 "	3
Every Copy of the Register and Certificate.	— "	2 "	6

ATTORNEY GENERALS FEES.

His Report to the Governour in each private case referred to him by the Governour and Council.	— "	10 "	—
Drawing every Capias against persons endicted and not bound over or against persons prosecuted by the Grand Jury or Constables.	— "	5 "	—
Every Recognizance.	— "	5 "	—
Drawing every Endictment found by the Grand Jury.	— "	10 "	—
Every person acquitted by Proclamation.	— "	2 "	6
Entering a Noli prosequi.	1 "	0 "	0
Attending at the Judges Chamber to take the Affidavit of any person.	— "	5 "	—
Drawing every Affidavit each Copy Sheet.	— "	— "	7½
Arguing Demurrer Exceptions or any Motion or Arrest of Judgment	1 "	0 "	—

CLERK OF THE CHURCH OF ENGLAND HIS FEES.

Attendance at Funerals	0 "	2 "	0
The Ground of each Grave	0 "	3 "	—
Attendance at every Marriage	0 "	2 "	6

SEXTONS FEES.

Digging the Grave	— "	3 "	0
Ringing the Bell	— "	2 "	6

COLLECTOR OF THE KING'S CUSTOMS HIS FEES.

Entring inwards & clearing outwards every Vessell of thirty Tons and upwards with general permit to load and unload	— "	6 "	—

D° under Thirty tons	— "	4 "	—
Every new Register of a Vessell thirty Tons and upwards	— "	8 "	—
D° of a Vessell under thirty	— "	4 "	—
Granting every Certificate of Naval Stores or for a Certificate for cancelling a Bond or Cocket for shipping of Goods	— "	2 "	—
Every Bill of Stores	— "	2 "	6
Endorsing the Register of every vessell	— "	2 "	—
Registering the names and discription of the men	— "	2 "	6

NAVAL OFFICERS FEES.

Entring & clearing outwards every vessell of Tons and upwards	0 "	6 "	—
D° under Tons	— "	4 "	—
Every Bond for enumerated Commodities	— "	2 "	—
Granting a Certificate or Cocket.	— "	2 "	—
Granting a Certificate to cancell a Bond given for enumerated Commodities	— "	2 "	6
The Bond of every vessell entring inwards	— "	2 "	6
Taking Bond to obtain a Pass for people going out of the Country	— "	2 "	6
A Ticket for them that go off that are able to contract Debts	— "	2 "	6
Every underwritten Bond	— "	2 "	6
Every underwriting	— "	— "	$7\frac{1}{2}$

THE REGISTER OF THE COURT OF ADMIRALTY FOR TRIAL OF PIRATES HIS FEES.

The Motion	— "	1 "	—
Every Warrant of apprehending	— "	2 "	6
His examination in writing per Copy Sheet	— "	— "	$7\frac{1}{2}$
Examining Informers each Copy Sheet	— "	— "	$7\frac{1}{2}$
An Order thereon	— "	— "	$7\frac{1}{2}$
Commitment of Mittimus	— "	1 "	—
Attendance at Court each day	— "	2 "	6
Every Oath in Court	— "	— "	$7\frac{1}{2}$
Summons for Witnesses each	— "	1 "	—
Every Recognizance	— "	2 "	6
Reading the Comission of Piracy	— "	1 "	—
Reading Articles of Accusation	— "	1 "	—
Interrogatories & answers ℔ the King each Copy Sheet	— "	— "	$7\frac{1}{2}$

D° per Party	— "	— "	7½
Entring the Prisoners defence what he hath to say per Copy Sheet	— "	— "	7½
Entring the votes of the Judges	— "	1 "	—
Drawing the Sentence	— "	— "	7½
Warrant of Execution.	— "	2 "	6

MARSHALLS FEES ON TRYAL OF PIRATES.

Each days Attendance.	— "	5 "	—
Execution of each Criminal.	1 "	— "	—
Commitment.	— "	2 "	6
Releasement.	— "	5 "	—
Diet per Diem.	— "	1 "	3

THE CLERK OF THE COUNCILS FEES.

Drawing Petitions, if drawn by the Clerk and read in Council.	1 "	2 "	6
Reading a Petition.	— "	2 "	6
Copy of any other paper per Copy Sheet.	— "	— "	7½
Copy of Orders on Petitions.	— "	2 "	—
A Citation or Summons each.	— "	1 "	—
Reading any Paper per Copy Sheet.	— "	— "	7½
Every Oath in Council.	— "	1 "	—
The rough Draught of all Instruments per Copy Sheet.	— "	— "	7½
Attending entring Minutes and all other Services not particularly mentioned, on hearing Caveats entering the Determination on each & copy to the party.	— "	10 "	—
Every motion & order thereon where there is a determination.	— "	2 "	—
Fileing, countersigning & entering all Grants signed in Council.	— "	1 "	—

THE JUSTICES OF PEACE THEIR FEES.

Taking a Deposition in Writing.	— "	1 "	—
A Warrant.	— "	1 "	—
A Summons.	— "	1 "	—
A Recognizance.	— "	1 "	6
A Commitment of a White person.	— "	1 "	—
A Liberate or Discharge for a White person.	— "	1 "	—
A Probate of any Writing.	— "	1 "	—
Granting an attachment.	— "	1 "	—

An Execution.	—	"	1	"	—
Hearing a Cause and giving Judgment.	—	"	1	"	—
Swearing Appraisers and certifying the same for the whole.	—	"	1	"	—
CONSTABLES FEES.					
For serving a Warrant.	—	"	1	"	—
Execution.	—	"	1	"	—
Poundage per pound.	—	"	—	"	2
For serving a summons.	—	"	1	"	—
CLERK OF THE COUNTY OR PRESENT COURTS FEES					
Every Writ and return.	—	"	2	"	—
Fileing a Declaration Plea, Replication Demurrer &c.	—	"	—	"	6
Copying every Declaration or other writing per Copy Sheet.	—	"	—	"	7½
Entering every order of Court.	—	"	—	"	6
Attachment the same as a Writ.					
Every Subpœna or Summons.	—	"	1	"	—
Administring every oath.	—	"	—	"	4
Every Search in the Records.	—	"	—	"	6
Reading every Petition, power of Attorney or other Paper in Court.	—	"	—	"	6
Writing and taking every Recognizance in Court.	—	"	2	"	—
Acknowledgement of Sales of Land.	—	"	2	"	—
Entring up every Judgement & reading every Writing per Copy Sheet.	—	"	—	"	7½
Dismission of every Suit or Retraxit.	—	"	4	"	—
Recording a Mark or Brand.	—	"	1	"	—
Entring an Appeal.	—	"	1	"	—
Copy of the Proceedings by him returned to the General Court each Copy Sheet.	—	"	—	"	7½
For doing the precinct or County business relateing to Roads Constables Surveyors &c: to be allowed out of the publick Levys per ann.					
ESCHEATOR GOVERNOR'S FEES					
For every Inquisition & return and all other Proceedings thereon.	3	"	—	"	—
SURVEYOR GENERAL'S FEES					
For surveying six hundred and forty acres of Land & under and all Fees incident thereto	1	"	3	"	4
For every Hundred acres above this Tract	—	"	2	"	—

And be it enacted by the Authority aforesaid that if an Officer or Officers shall take and receive for any business thing or matter relateing to his or their Office or Offices more than by this act are set down limited or appointed, or shall create, make or take any other or new Fee or Fees than what is in this Act particularly set down and expressed, or shall multiply Fees and shall be thereof convicted by the Oath of the Person or Persons paying the same he or they shall forfeit and pay ten pounds Proclamation Money for every Fee or Sum of Money he or they shall take or receive contrary to the true intent and meaning of this Act one moyety of which said forfeiture shall be to his Majesty for supplying contingent charges of Government and the other moyety to the party grieved or him or them who will informe & sue for the same within three months after the Receipt of such money or thing to be sued for and received by Action of Debt or by originall Writ Bill plaint or Information in any of the Courts of Record within this Province wherein no wager of Law essoign Priviledge protection or any other Delay shall be allowed or admitted. Provided that nothing in this Act shall be construed or taken to extend to prevent any Attorneys taking any larger Fee of his Client than is in this Act directed. And be it further enacted by the Authority aforesaid that any Publick Officer entitled to any of the Fees mentioned in the table hereto annexed shall within Twenty days after the Ratification of this Act set up and constantly keep a fair Table of the respective Fees belonging to his or their respective Office, taken in a fair and legible hand in words at length, and fix up the same in the most publick place of View, in such place as they usually execute the said Office upon the pain of the forfeiture of five pounds current money of this Province for every day they shall neglect to set up or keep the same as aforesaid, the said forfeiture to be to the same use and payable to the same persons and recovered in the same manner as the forfeitures before by this Act are given, ordained or appointed, and shall also upon request of any person paying such or any Fees as aforesaid give to him a Ticket or Bills of Costs, in which shall be incerted for what he takes such Fees. And be it enacted by the Authority aforesaid that the Clerk of the General Court and the Clerk of every respective precinct Court within this Province shall before the beginning of every second Court or Term after any Verdict obtained and Judgment thereon or any Judgment obtained by default or without record or cause to be recorded in a Book for that purpose kept Proceedings in the said Causes and the Judgment obtained thereon with a proper Index to the said Record Book of the said Judgments, and shall also preserve and keep the Docquett of every Court or Term fair & legible under the pain of the forfeiture of one hundred pounds Current

Money to be applyed to for the uses aforesaid and to be recovered as by this act is before directed. And be it enacted by the Authority aforesaid that the respective Clerk of every Precinct or County Court within this Province shall keep his Office in some convenient place of the Precinct or County where he is Clerk as also the Records of the said Precinct Court untill an Office is built in every Precinct for that Purpose and after such Office shall be built every Clerk shall attend at the office every other Saturday from the hours of 9 o' the clock in the morning till four in the afternoon under the Penalty of fifty pounds current money of this Province to be applyed as aforesaid and recovered as aforesaid And whereas the foregoing Fees are computed in Proclamation Money which is not at present the Currency of this Province Be it enacted by the Authority aforesaid that the foregoing respective Fees shall be paid in the Current Bills of this Province at three hundred per cent advance (that is to say) for every shilling Proclamation money four shillings of the present currency and so in proportion for a greater or lesser Summ and shall and may be taken by the respective Officers before mentioned and no more untill the Generall Assembly shall think fit to alter the same upon the rise or fall of the exchange. And be it further enacted by the Authority aforesaid that this Act and every Clause Matter or thing herein contained do remain and continue in force for years and from thence to the End of the next Session of Generall Assembly and no longer.

Referred to in Gov^{r} Johnston's letter of 15th Oct^{r} 1736.

A Bill for an Act for ascertaining & regulating Officers Fees & Officers.

7th October 1736. Read the first time passed by order,

PRATT C^{lk} Gen^{ll} Assembly.

Sent by M^{r} Lee, M^{r} Turner.

Oct^{r} 8th 1736. Read in the Upper house the first time & passed

By order

9th Oct^{r} 1736. Read a second time & passed with amendments

By Ord: PRATT C^{lk} G. A.

Sent by M^{r} Powell, M^{r} Lee.

[B. P. R. O. North Carolina. B. T. Vol. 21. p. 244.]

Sir,

Since our letter to you of the 5th of March last we have received one from you of the 5th December 1735 and the Acts therewith sent relat-

ing among things to small duties imposed in North Carolina on liquors imported and on shipping called by the name of powder money but as this letter was not received till the 10th of May last it was of no service to us in the report which we had made to Parliament some months before and for which we had wrote to you on the 17th of June 1735 for an account of duties & impositions &c.

With regard to the Acts of the Province passed during the time that the Charter subsisted you tell us that except six of them none were ever ratified as the Charter directs and that therefore whenever you found any of them which encroached upon the Kings prerogative or the Revenue you took advantage of this defect and would not allow them to be laws As you have not mentioned to us in what particular these Acts were not ratified according to the direction of the Charter We are at a loss to know what you mean by the objection you raise But if your objection is the same as that raised by Mr Smith Chief Justice in your Province in a Memorial he presented to us while he was in England and of which we send you a copy all that we can say to you at present is that his Memorial lies before the Attorney and Solicitor General for their opinion concerning the validity of those laws and when we shall receive their Report we will take them into our consideration and you shall hear further from us upon this head.

In our letter to you of the 12th Sept 1735 We desired you would send us a full description of the Boundary Line between South Carolina and your Province and a draught thereof signed by the Commissrs or an authentic copy thereof under the seal but as we have not yet received it we must desire you will not fail sending the same by the first opportunity and that for the future you will be more punctual in sending to us such papers as we particularly write to you for.

We are glad to find you have made so great a progress in the recovery of His Maj. Quit Rents in arrear.

Upon the subject of the seal of the late Lords Proprietors which you imagined might yet remain in the Province and in that case be of bad consequence should it be privately affixed to those Quires of Blank Patents which you apprehend remain in the custody of some persons in your Province subscribed with the names of the Proprietors Council but not sealed We have talked with Capt. Burrington the late Governor of North Carolina who has assured us that on his arrival there he took the Proprietors seal into his custody and kept it till His Maj. Seal was sent over to him from hence upon the receipt of which he had transmitted that belonging to the late Proprietors to his Grace the Duke of Newcastle in order to

its being defaced by His Majesty in Council. And so we bid you heartily farewell and are

Your very loving friends, &c.,

FITZ-WALTER AR. CROFT,
T. PELHAM R. PLUMER

Whitehall November 11th 1736

[To Governor Gabriel Johnston.]

[B. P. R. O. North Carolina. B. T. Vol. 10. B. 25.]

North Carolina 29 November 1736.

My Lords [of the Board of Trade.]

The enclosed Proposals I have drawn up after trying what could be done for His Majesty's Interest and the Settlement of the Country with two Assemblys and after considering with all the attention I am capable of the state of the Province and the Depositions of its inhabitants. Ever since the year 1719 when South Carolina rebelled against the Late Lords Proprietors the Assemblys of this Colony have been encroaching upon the Rights and Revenues of their Superiours at home and the first Governour from the Crown here did so entirely neglect everything relating to its interests that the people are fully persuaded they may make as free with his Majesty now as they did formerly with the Lords Proprietors. I doe not know any method so effectual to convince them of the contrary as his Majesty's establishing some such orders as these because they will then see plainly his Majesty can do himself Justice without their assistance which is a point that all the pains I have taken (which have not been small) has never yet been able to convince them of and if there is not something done soon to shew them their mistake it may, nay it certainly will in time prove a very troublesome affair.

As His Majesty is Sovereign of the Province and Proprietor in seven parts of eight of the soil I do not apprehend that there can be any Objection in point of Law against any thing contained in these Proposals. As to the Laws of the Country there are none of them (except six which dont at all relate to these matters) confirmed by the Board of Proprietors without which confirmation and it being declared publickly at the next Biennal Assembly the charter pronounces all Laws void, so that the King has all these Laws in his Power. Whether your Lordships will judge it expedient to advise his Majesty to make such orders is what

I must humbly submit to your better judgement. I shall however give the reasons why I offered them to your consideration as to the first two I hope I have said enough in mine of the 16th of last month from Edenton. For the 3d I must observe to your Lordships that the people who hold land under the late Lords Proprietors are not obliged by their Patents to bring their Rents to any certain places and consequently (as I am told by the Lawyers) the Rents can't be demanded but on the Lands themselves, I was mightily puzzled with this difficulty when I began to collect the Quitt Rents for their habitations are so scattered and lye at such a distance from one another that it is impossible the Receiver could go about among them I was therefore oblidged to take the Method mentioned in this Article to induce them to come to the court houses and pay by which I got pretty well over the difficulty for that time But lately since Mr Burrington's Paquets have come in this objection is Trumpt up again and instilled into the minds of the people with more assiduity than ever, so that I think it is become necessary to have his Majesty's sanction for it. In South Carolina they pay at three places only for the whole Province, as to the latter part of it about commodities. It depends upon your Lordships Judgement whether they are to be allowed to pay in any. If you think it proper to indulge them so far, there must be some Restriction as to the places for receiving it. I believe I need not enlarge on the 4th Article the necessity of some such order being self evident as also that of the 5th. There are a great many persons satt down on Lands who have never apply'd for any grant, the reason they give for it is that they are assured by Mr Moseley and the Family of the Moores that the Quitt Rents are too high for the poor people and that they with the assistance of Messrs Burrington and Wrag will procure an abatement at home and then it will be time enough for them to take out Grants.

In order to explain the 6th Article I must inform your Lordships I brought over a Draught of a Patent by the late Attorney General and present Lord Chief Justice. But upon the first Assemblys rejecting the Quit Rent Law it was thought proper In order to secure his Majesty's Rights to make some Provisions in the Body of the Patent. The first was that the Quitt Rents should be payable at such places as the Governor in Council should appoint and this was to prevent the Inconvenience I have now mentioned. The second was that a Doquet of that Grant should be entered with his Majesty's auditor or his Deputy in six months and the third this Clause of Cultivation without these the Patent was to be Null and Void. Experience has justifyed the Prudence of the two first of the Provisions, but thō I think the third was an

Error on the right side it has been a vast Hardship on many poor Familys. If they possess 500 acres of land in three years they are oblidged to cutt down the trees (which are here very large and grow very close) of 15 acres of land and to plant and fence it in. I now plainly see that it is impracticable unless they entirely neglect building a tollerable house or raising a stock of cattle the want of either of which exposes them to great sickness and misery in a country where both the heat and the cold are extreem. There will in particular be a great demand for Cattle if so many Forreigners come into the Country. It is therefore proposed that there be such an Alteration as is expressed in this Article which will equally oblige the people to reside on their lands as the former which is a much more Rigid Cultivation than is required in any part of America. It was thought more proper to apply to his Majesty to do this than for the Governour in Council because Precedents of any alteration in form of Grants already established ought to be avoided as much as possible. The Form of a Patent is in the minutes of Council sent to your Board.

The 7th Article your Lordships will find very reasonable if you please to consider that Edenton is within thirty miles of the Virginia line and Two hundred miles distant from Cape Fear where most of the Council have their Habitations and Newberne is much nearer the center of the Province. I have not been able to hold above two Courts of Chancery since I came into the Province upon this account. If there is any Law confining the Courts to Edenton it is more than I know but if there is it never was confirmed by the Lords Proprietors, and the Province is so much altered since by the peopling of the Southern parts that it is highly proper to repeal it I am to acquaint your Lordships that Thomas Wardroper Esqre late Surveyor General recommended by your Lordships as a fitt person for a Councellor is lately dead.

I am My Lords, &c, GAB: JOHNSTON.

P. S. If there are any Patents since 1724 confirmed which were not preceeded by regular Surveys I must once more repeat it, that it will cause very great confusion in this Province.

ORDERS

Humbly proposed to be made by his Majesty in Council for the Preserving his Majesty's revenüe, Quieting the minds of the Inhabitants in their Possessions and the better Regulation of his Majesty's Province of North Carolina.

1mo. That the Biennial Law passed in the time of the late Lord Proprietors be repealed, and no Precinct in the Province of North Carolina

be allowed to send more than two Members to the Assembly on any Pretence whatsoever and that no Law for Erecting any new Precinct for the future shall be of force until his Majestys pleasure is known.

2d. That in order to put an end to all disputes which have arisen about the validity of Patents Granted in the time of the late Lords Proprietors, To be declared 1mo. That no patents dated before the 25th March 1724 shall be called in question upon any Pretence whatsoever by his Majesty, his heirs or successors 2d. That all Persons who hold Lands by Patents under the Lords Proprietors since the year 1724 if they have cultivated or Built upon the same shall (notwithstanding the late Lords Proprietors Prohibition to the Governour and Council to dispose of any more Lands) have them confirmed at the Quitt Rents mentioned in their Patents upon proof made on or before the 25 March 1738 before the Governour in Council that such Patents were preceeded by Regular Surveys, if not regularly survey'd they may still have them att the Quitt Rents mentioned in his Majesty's Instructions. 3d That no Patents of Land dated since 1724 which have never been cultivated or built upon shall be deemed valid or good without proof being made in the time above mentioned of their having been preceeded By regular surveys 4th That all Patents in the name of the Lords Proprietors dated since the soil became vested in his Majesty be such as have cultivated even under these Patents a up the Lands at his Majesty's Quitt rents

3d That in receiving the rents due for Lands held und If the receiver is oblidged to go upon the lands he shall take the said rents in Gold and Silver and in nothing else but from each such as attend at the Receipt at the Court Houses of the respective Precincts he shall accept of payment in Bills of Currency of the Province at the Exchange as shall be settled yearly by the Governour in Council and that he be oblidged to accept in payment of Quitt rents of Hemp Merchantable and well dressed at the rate of 20 sh: per hundred and Flax well dressed at the rate of 30. sh. per: hundred Provided they are delivered free of all charge at the following places viz: Edenton Bath, Newbern and a place commonly called Newton on Cape Fear River and all rents for Lands held under the late Lords Proprietors be paid in or at the rate of sterling money

4th. That the Attorney General shall prosecute with the utmost severity in the Court of Exchequer all persons who have or shall presume to box Pine trees or burn Lightwood on his Majesty's lands and that on the conviction of each Offender the Receiver General be ordered to pay Twenty pounds currency to the Informer.

5th. Whereas many persons have sat down on his Majestys Lands and neglected to take out Grants or Patents for the same. That all such persons shall be charged with the payment of Quitt rents from the time of their possessing these lands and this Rule to be observed from time to come and in case they shall continue above the space of one year without applying for a Grant then the Lands may be granted to any other person applying for them.

among other conditions of the Grants or Patents for land in Carolina. It is expressly provided that the Grantee within after the date of his Grant shall clean and cultivate at Acres for every hundred so granted. In order to encourage the Inhabitants to build Good & sufficient Houses on their Lands and to breed and rear live stock. That for the future the said Clause of Cultivation shall be expressed in the following Words "Provided always that in case the said A. B. his Heirs or Assigns shall not within the space of three years after the date hereof clear and cultivate according to the proportion of three acres for every hundred, or build a good and sufficient house or put and keep upon the said land Five head of black cattle and ten Hoggs. and also &c: And that the same Method of cultivation shall take place in all the Lands already granted by his Majesty and be reckoned as sufficient as if expressed in the Grant.

7th. That as the holding all the Courts particularly that of Chancery where all the Members of his Majesty's Council are oblidged to attend at a Place so near the extremity of the Province as Edenton is found to be by experience very inconvenient. That for the future the Court of Chancery be held twice each year Viz. on the first Tuesday of December and first Tuesday in June at Newbern at present the most central place of the Province where all the Members of Council shall be obliged to attend under pain of suspension without a reasonable excuse, and at the same time and no other all Grants for lands shall be passed by the Governour in Council and that the Governor with the advice and consent of Council may remove the other Courts to Newbern when it shall be judged for his Majesty's service or the good of the Province and that the Offices of the Secretary and Surveyor Receiver and Auditor General with all other offices be for the future kept in the said Town of Newbern. Any Law Custom or Usage to the contrary notwithstanding.

Additions To Article 3d. There are 14 Precincts in this Province. Whether your Lordships will allow the Inhabitants who come to the Court houses of these Precincts the Liberty of paying in Bills of Currency instead of Gold and Silver, or whether you will oblige them to come to the four places named for the Receipt of Commodities, in short,

Whether the Receipt shall be in fourteen or four different places deserves some consideration. In South Carolina they collect only at Port Royal Charles Town and Winyaw

Art 4th. After these words—His Majesty's Lands—and all uncultivated lands which are not entered in the Auditor Generals Office shall be looked upon as his Majesty's Lands.

[B. P. R. O. North Carolina. B. T. Vol. 21. p. 252.]

Sir,

My Lords Commissioners for Trade and Plantations command me to acknowledge the receipt of your letter of the 15th of October last to which their Lordships will shortly send you an Answer In the mean time I am directed to acquaint you upon the subject of the letters you inform the Board that Capt. Burrington has wrote at the result of conferences between my Lords Commissrs and him to your disadvantage that their Lordps are surprised at Capt. Burrington having taken any liberty of that kind and also to assure you that he has had no reason for so doing from anything that ever passed between the Board and him.

I am Sir, &c., ALURED POPPLE

Whitehall December 20th 1736

[To Gov. Gabriel Johnston.]

[B. P. R. O. North Carolina. B. T. Vol. 9. A. 72.]

An Account of the charge of laying out Land in North Carolina and The Bounds of the Tract desired by Mr Jenner & the Swiss.

[Received from Capt. Burrington]	£	s	d
Governour's fees for the Rights of 400 Acres,	1	0	0
Secretarys Fee for a Warrant	1	5	0
Secretarys Fee for a Patent	0	10	0
Surveyors Fees for Certificate and Entry	0	4	6
Surveyors Fee for surveying	1	13	4
	3	12	10

Mr Jenner Agent for the Switzers that desire to settle in North Carolina desires that the lands lyeing between Catankue Creek and the

North East branch of Cape Fear River by two lines run between the head of that Creek and the place where it falls into Neus River, the nearest way to the North East Branch of Cape Fear River; may be allotted to them and erected into a New Precinct, when five hundred Switzers are settled therein.

The Governor's Fee is 2^{s} 6^{d} every fifty Acres.

The above mentioned Fees excepting the Governor's Fee are what is demanded upon the setting out 640 acres and for every 640 acres the same Fees are repeated, altho by Act of Assembly the Surveyors can demand but 2 sh: ℔ hundred after the first 640.

[B. P. R. O. Am: and W. Ind: Vol. 23. p. 589.]

May it please your Grace

Your Grace having ordered M^{r} Brodie to leave at your office a memorandum of the nature & value of the office of Escheator of North Carolina, I presume to inform your Grace that the Escheator is an officer of the Crown who upon a writt of Escheat directed to him is to summon a Jury, and make return into the Court of Exchequer, that they have found such Lands to have escheated to y^{e} King; for which he receives a fee of ten shillings, so that the yearly income of that office cannot amount to forty pounds per annum which is humbly submitted to Your Grace by, Your Grace's most, &c.,

ROBERT DUNBAR

[To the Duke of Newcastle.]

[B. P. R. O. Am: and W. Ind: Vol. 23. p. 588.]

North Carolina Employments.

Chief Justice—Will^{m} Smith; M^{r} Verney, M^{r} Longueville, M^{r} Scrope.
Secr^{y} & Clerk of the Crown—Nath^{l} Rice, Col^{o} Bladen.
Attorney General—James Montgomerie, M^{r} Gould
Provost Marshall & Commissary—Daniel Germain, Earl of Essex

[B. P. R. O. B. T. JOURNALS. VOL. 46. P. 5.]

BOARD OF TRADE JOURNALS.

Thursday Jan^{ry} 22nd 173$\frac{5}{6}$.

Present Earl Fitz-Walter M^{r} Pelham, M^{r} Ashe, Sir O. Bridgeman M^{r} Plumer Sir Ar. Croft, Col. Bladen. North Carolina, Capt. Burrington M^{r} Jenner agent from the Swiss A proposal from him for settling several Swiss families in North Carolina was read—his deputation from the Switzers read—proposes about 6000 to settle there and to carry them over at their own expense—They are to attend again next Thursday.

[Page 8.]

Thursday Jan^{ry} 29th 173$\frac{5}{6}$.

North Carolina, Capt. Burrington M^{r} Jenner Proposals of M^{r} Jenner read 22^{d} inst to settle 6000 Swiss in North Carolina again consider'd says that after the first ten years they are willing to pay the usual Quit rent of four shillings per 100 Acres. Burrington gives in a description of the tract desired by the Swiss and an account of the charge of laying out land in North Carolina which was read.

To be further considered this day fortnight

[Page 10.]

Friday February 6th 173$\frac{5}{6}$.

Order of Com. referring M^{c}Culloh's petition for two tracts of land amounting to 132,000 Acres was read

To be further considered next Thursday and M^{c}Culloh to attend.

[Page 12.]

Thursday February 12th 173$\frac{5}{6}$.

N. Carolina. M^{r} M^{c}Culloh M^{r} John Sharpe—presents proposals for making his settlement according to his petition read the 6th inst was read.

Order'd to lay before the Board as good a Draft of the two Tracts he desires as he can possibly get.

M^{r} Jenner Agent of the Swiss, M^{r} Ocks Capt. Burrington delivers from the Swiss a Memorial desiring to be settled nearer the Mountains than what is described in their Proposal read 22^{d} ult^{o} was read They do agree to pay four shillings Proclamation Money for every 100 Acres for all the land that shall be taken up.

[Page 14.]

Tuesday February 17th 173$\frac{5}{6}$.

Mr McCulloh, Mr John Sharpe, presents his Draught of the land he petitions for, order'd to be prepar'd the 12th inst. Order'd a copy of McCulloh's petition & of the above Draft be sent to the Governr for his observations

But upon further consideration the Board resolved not to send the petition to the Governor but to reconsider it again next Tuesday.

[Page 17.]

Tuesday February 24th 173$\frac{5}{6}$.

Ordered that Capt. Burrington and the Swiss who were to attend tomorrow be deferr'd till Tuesday next

[Page 17.]

Tuesday February 24th 173$\frac{5}{6}$.

Mr. McCulloh's petition read the 6th inst. praying for two Tracts of land again considered, He agrees to pay the Quit rent of four shillings per hundred acres after the first ten years and to pay Quit rent for the whole tract or forfeit the whole

Ordered the Draught of a Report to be prepar'd in favor of the petitioner.

[Page 18.]

Thursday February 26th 173$\frac{5}{6}$.

Draught of Report upon Mr McCulloh's petition of land order'd to be prepar'd the 24th inst was agreed to—& signed 2d March.

[Page 19.]

Friday February 27th 173$\frac{5}{6}$.

Capt. Burrington, W. Jenner, Mr Ocks Proposals from W. Jenner for settling 6000 Swiss read 22d Ult. again consider'd.

Ordered that a copy thereof be sent to the Governor of North Carolina for his observations upon it.

Ordered that the seven proposals in Mr. Jenner's above paper be transcribed with such observations as have occurred to the Board thereon in order to be communicated to the Swiss for their Answer.

[Page 20.]

Tuesday March 2nd 173$\frac{5}{6}$.

Mr Jenner's Proposal for settling the 6000 Swiss mention'd in the minutes of the last Meeting was again consider'd.

[Page 26.]

Friday March 12th 173$\frac{5}{6}$.

Letter from Capt. Burrington about the Swiss Settlement mention'd in the Minutes of the 2d inst. was read.

Memorial from Jenner in behalf of the Swiss in answer to the paper of Observations upon their seven proposals given to Jenner the 2d inst. was read And upon talking with them upon the subject they agreed to the several amendments wrote in the margin in Mr Popple's hand Mr Jenner and Mr Ocks were then desir'd to attend again next Tuesday.

[Page 27.]

Tuesday March 16th 173$\frac{5}{6}$.

Mr Jenner, Mr Ocks, Capt. Burrington The Board consider Mr. Jenner's Memorial upon the settlement of the 6000 Swiss read at the last Meeting.

Mr Ocks presents to the Board the extract of a letter from Switzerland upon the same subject—was read The letter for inclosing a copy of Jenner's proposal to the Governor of N. Carolina order'd to be prepar'd the 27th ult. was agreed to and order'd to be transcribed.

[Page 31.]

Tuesday March 23rd 173$\frac{5}{6}$.

Mr Jenner desires the Board will report upon the petition for settling the 6000 Swiss mention'd the 16th inst. And the Board taking his petition mention'd in the Minutes of the 16th inst. into consideration gave directions that Mr Jenner should attend the Board again tomorrow morns.

[Page 32.]

Wednesday March 24th 173$\frac{5}{6}$.

Mr Jenner Capt Burrington Mr Ocks Upon talking with them concerning the quantity of land to be granted to them they agreed to ask no more than 1000 acres for a gentleman who should keep three men servants and 400 acres only for a common man or peasant & his family

[Page 37.]

Wednesday March 31st 1736.

The Board taking into consideration the Draught of a Report order'd to be prepared upon Mr Jenner's Proposal for settling the 6000 Swiss in North Carolina mentioned in the Minutes of the 24th inst. made a progress therein and order'd that Mr Jenner & Mr Ocks be directed to attend thereupon on Friday morning next.

[Page 39.]

Friday April 2nd 1736.

Mr Jenner Mr Ocks These gentlemen being asked what numbers of Foreign Protestants they proposed to carry over to the proposed settlement in North Carolina according to their Proposals mentioned in the Minutes of 31st ultº they said they proposed to carry over thither 6000 people within ten years but that at first they thought that 200 persons were sufficient that there might not be a scarcity of provisions. The Board then took into further consideration the Draft of a Report upon the above Proposals and made a progress therein.

[Page 51.]

Tuesday May 4th 1736.

Petition of Capt. Burrington that the Journals of Council and Assembly whilst he was Governor there may be delivered to him whilst his petition to the King is depending before the Committee of Council was read It is ordered that he may have leave to inspect the said Journals in this Office and make Extracts from them but that they be not delivd to him out of the Office.

[Page 52.]

Wednesday May 5th 1736.

The Board took into consideration the Dft of a Report mention'd in the Minutes of the 2d Ultº upon Mr Jenner's Proposal for settling 600 [6000] Swiss in North Carolina and made a progress therein—and was agreed to May 6th and signed on May 7th

[Page 71.]

Wednesday June 9th 1736.

Order of the Comtee referred to the Board a petition from Mr Crimble desiring to make a settlement of six thousand Foreign Protestants in North Carolina was read—to be further considered.

[Page 92.]

Tuesday June 22nd 1736.

Eight copies of Orders of Council were read, including the following Viz:

Order in Council of 29th April 1736 ordering two tracts of land to be surveyed and laid out for Mr McCulloh in North Carolina of 72,000 and 60,000 acres.

Order in Council of 29th April 1736 approving a Representation of this Board and a Report of the Lords of the Committee of Council in favor of Mr McCulloh's petition for 132,000 acres of land in North Carolina.

Order in Council of 21st May 1736 dismissing Capt. Burrington's petition.

[Page 113.]

Wednesday Sept^{r} 15th 1736

Order of Com: read 9th June last with M^{r} Crimble's petition for settling 6000 Foreign Protestants was again read as also M^{r} Crimble's proposals for carrying on the said settlement now laid before the Board.

M^{r} Huey, M^{r} Joseph Sharpe on behalf of M^{r} Crimble says that there are numbers of Foreign Protestants now ready to go over They present a Map of North Carolina The Board agree to consider further of the proposal at another opportunity

[Page 116.]

Wednesday September 22^{d} 1736.

Letter from M^{r} Huey with his remarks upon the settlement proposed to be made by him and M^{r} Crimble mention'd in the Minutes of the 15th inst. and upon the settlement propos'd by M^{r} Wragg mention'd in the Minutes of the 16th inst. [in So. Carolina] was read And M^{r} Huey acquainted the Board that he proposed to oblige himself to carry over to his Settlement 6000 persons in 10 years, to allot to each man a tract of about 200 acres and being asked whether he was willing to pay the Quit Rent when it is to commence here in this Kingdom he said there were other gentlemen concerned in his undertaking but with regard to himself it was indifferent to him when he paid it.

The Board then agreed to consider further thereof at another opportunity

[Page 128.]

Thursday October 21st 1736.

M^{r} Huey desires a day may be appointed for considering his and M^{r} Crimble's petition for settling some land in North Carolina mentioned in the Minutes of the 22nd Ult^{o} and next Wednesday was appointed for that purpose

Letter from M^{r} Johnston, Gov^{r} of North Carolina dated Dec^{r} 5th 1733 was read and the papers therein referred to were laid before the Board.

Order'd that the Acts mention'd in the above letter be sent to M^{r} Fane for his opinion thereon in point of law.

[Page 130.]

Friday October 22nd 1736.

The Board upon reconsidering that part of the Gov^{r} of North Carolina's letter read yesterday which relates to the late Proprietor's seal Ordered that letters should be wrote to Capt. Burrington late Gov^{r} of that Province and M^{r} Shelton Secretary to the late Lords Proprietors to know what was done with the said seal

The Secretary likewise laid before the Board the copy of a letter he had received from Capt. Burrington to the Commiss[rs] of the Customs concerning some regulations that may be made in North Carolina for the advantage of the revenue of that Province and the same was read

[Page 133.]

Tuesday October 26[th] 1736.

Capt. Burrington the late Gov[r] attending as desired the 22[d] inst. acquainted the Board that when he arrived in that government he took the Proprietors Seal into his possession and not having the King's Seal till some months after he was obliged to use the Proprietors seal at first but when that arrived he transmitted the Proprietors Seal to the Duke of Newcastle one of the King's Secretaries of State

[Page 135.]

Wednesday October 27[th] 1736.

The Board take again into consideration M[r] Crimble's petition for a tract of land in North Carolina read 9[th] June last and his Proposals read 15[th] Sept[r] last as also a letter from M[r] Huey with his remarks upon Proposals for settling land there read 22[d] of the same month and a letter from M[r] Huey relating to a Proposal for Paying the Quit Rent here was now read The Board after some discourse with M[r] Huey and M[r] M[c]Culloh who appeared for M[r] Crimble agreed to consider further of this petition at another opportunity

[Page 147.]

Tuesday November 9[th] 1736.

Ordered that the Attorney & Solicitor General be reminded of the letter to them upon the subject of the Laws of North Carolina and of the Blank Patents.

[Page 150.]

Thursday November 11[th] 1736.

A letter to M[r] Johnston Gov[r] of North Carolina in answer to his letter was agreed to and signed

[Page 152.]

Friday November 12[th] 1736.

The Board taking again into consideration the Order of the Com. referring to the Board a petition from M[r] Crimble & Huey for a tract of land read the 9[th] June last, their Proposals for making the Settlement read 15[th] Sept. last a letter from M[r] Huey upon the same subject read 22[d] of same month and another letter from him relating to the Quit Rents read 27[th] Ult. gave directions for preparing the Df[t] of a Report in favor thereof.

[Page 154.]

Tuesday Novr 16th 1736.

The Board take into consideration the Draft of a Report upon the petition of Messrs. Huey & Crimble for land in North Carolina ordered to be prepared the 12th inst. and Mr McCulloh in behalf of Mr Crimble desiring that the Tract to be laid out for the Petrs might be divided in so many tracts as there should be Associates and that each Associate shd answer only for his own Tract, if improved because another Associate had not improved his particular tract Their Lordships directed him to put this additional proposal in writing and lay the same before the Board And in the meantime the Board agreed to postpone the consideration of this affair.

[Page 156.]

Wednesday Novr 17th 1736.

Mr Huey and Mr McCulloh who attended the Board yesterday upon the subject of the petition of Crimble and Huey for land in No. Carolina attending again Mr Huey presented a Memorial which was read containing some proposals for making that settlement And upon some discourse with them upon the subject the following terms were agreed to.

That 12 Tracts of 100,000 Acres each may be set out but not to be at a greater distance from each other than ten miles.

That the Surveyor do lay out the said Tracts and at the same time subdivide them into smaller tracts of 12000 Acres each.

That upon the return of the Surveys they will name to the Governor those who are to have the Grants thereof.

That they will be at the whole charge and pay the Quit Rents at the expiration of ten years from the date of their Grants.

That the said Grants be made by the Governor immediately upon the return of the Surveys.

[Page 157.]

Thursday November 18th 1736.

The Draft of the Report upon the petition of Messrs. Crimble & Huey mentioned in the Minutes of the 16th Inst. desiring to make a settlement of 6,000 Swiss was agreed to & signed 24th.

[Page 188.]

Friday December 17th 1736.

Letter from Mr Johnston Govr of North Carolina dated 15th Octr last with two papers, was read And the Board agreed to consider further thereof And in the meantime Ordered that the Secretary do acknowledge the receipt of Mr Johnston's above letter and acquaint him that Capt Burrington has had no reason to write what he has suggested against Mr Johnston as mentioned in the above letter from any conversation at this Board.

[From the MSS. Records of North Carolina Council Journals.]

COUNCIL JOURNALS.

At a Council held at Newton the 17 day of February 173$\frac{5}{6}$.

Present His Excellency the Governour

{ Nath Rice Edw^{d} Moseley }
{ Rob^{t} Halton Roger Moore }

The Honōble Board met and adjourned till tomorrow at 2 of the Clock in the Afternoon.

18th Met according to adjournment Present His Excellency the Governour

The Honōble { Robert Halton Edw^{d} Moseley } Esq^{rs} Members of His
{ Math Rowan Roger Moore } Majestys Council

Read the Petitions of the following persons praying Patents on the following Lands Viz^{t}

Jas Campbell 300 Bladen, D^{o} 640 D^{o}, Jno Porter 640 N. Hanover, Sam^{l} Swann 400 D^{o}, D^{o} 640 D^{o}, Jn^{o} Porter 640 N. Hanover, James Simes 160 Bladen, Jno Clayton 600 D^{o}, Jas. Simes 200 D^{o}

Ordered that the Patents issue accordingly.

N. B.—These were granted of 20 of this month as by Indorsement on the Petitions.

Thursday the 19th day of February 173$\frac{5}{6}$ Present His Excellency the Governour

The Honōble { Rob^{t} Halton Roger Moore } Esq^{rs} Mem^{rs} of His
{ Math Rowan Edward Moseley } Majestys Council

Ordered That M^{r} William Gray in the absence of The Surveyor General do demand of the several Deputy Surveyors all such Warrants as have been to them directed by the Surveyor General which have been executed with the respective Plats and that he return all such Warrants unto the Secretary.

Ordered that for the future transferrs of Warrants shall be allowed of and that no Patent issue in consequence of such Warrants

Fryday the 20th February 173$\frac{5}{6}$ Present as before

The Honōble Edward Moseley Esq^{r} one of the Members of this Board represented to his Excellency that the exceeding bad weather this Winter with the great number of Warrants with [in] the Deputy Surveyors hands had rendered it impossible for them to make return of said Warrants within the time Limited by this Honōble Board at their last sitting in Newton.

It is therefore considered and ordered that a further time be given for the return of such Warrants as have been granted by his Excellency Gabriel Johnston Esq^{r} and are now in the hands of the Deputy Surveyors Viz^{t} to the 10 of June next.

Read the Petition of Thomas Mace for 320 Acres of Land on Dutchen Creek Whereupon Joseph Shelburn appeared before this Board and prayed that the said Maces petition might not be granted for that he apprehended he had run into his Land.

Whereupon it is considered and Ordered and it is hereby directed that the Surveyor General resurvey the Lands of the aforesaid Shelburn and Mace and that he report his doings thereon to the next Court.

Note—Sundry Petitions granted this day are thro' mistake put under the 18th day of Feb^{y} 173$\frac{5}{6}$.

Saturday February the 20th [21st] 173$\frac{5}{6}$

James Innes Esq^{r} informed this Board that he had his Excellency's Warrant for 400^{ac} of land lying between the Lands of John M^{c}Knights and being unwilling to interfere with the Lands of the aforesaid M^{c}Knights prays a resurvey of the aforesaid M^{c}Knights upper and middle Bluff Lands.

Ordered that the Surveyor General do resurvey the aforesaid Lands and make report of his doings thereon to the next Court

Read the Petitions of the following Persons setting forth that they had obtained Land Warrants which has been duly Executed and returned and praying Patents for the same viz^{t}

Hugh Campbel 640 Bladen, Will^{m} James 400 D^{o}, Jn^{o} Swann 400 N. Hanover, Phil Hanson 320 Bladen, Thos. Gillet 140 D^{o}, Gray & French 640 D^{o}, Arch Nicholas 580 N. Hanover, William Gray 600 Bladen, Evan Ellis 160 D^{o}, Rich^{d} Lindy 120 N. Hanover, Evan Thomas 400 Bladen, Thos Devan 400 N. Hanover, Jno Bell 640 D^{o}, Jas Trotter 640 D^{o}, Stephen Motte 640 D^{o}, Edward Hynne 640 D^{o}, Joshua Gabourel 1920 N. Hanover, Job How 560 Bladen, Jos Morgan 640 Carteret, Alex Legg 350 Bladen, Thos Robinson 130 Bladen, Sampson Wood 350 D^{o}, James Espy 640 D^{o}, George Ackland 160 D^{o}, Joseph Hall 640 Onslow, Thos Leck 250 Bladen, W^{m} Small 320 D^{o}, Hannah Winning 350 D^{o}, Rich^{d} Lovel 640 Onslow, Edw^{d} Hyrne 640 N. Hanover, Eliz Hill 323 Bladen, D^{o} 423 D^{o}, Nath Platt 350 Bladen, Evan Ellis 450 D^{o}, Will Lewis 640 N. Hanover, Benj^{a} Sowl 50 Bladen, Jacob Moore 640 N. Hanover, Jno Bell 640 D^{o}, James Espy 100 D^{o}, Job How 300 Bladen, Jos Meredith 150 N. Hanover, Eph. Owen 130 Bladen, Jos Pye 100 D^{o}, Agnes Robinson 640 N. Hanover, Jos Bigfurd 150 D^{o},

D° 320 D°, Jno Davis 500 Bladen, Jos Meredith 150 N. Hanover, Benj Sowl 100 Bladen, Jno Linscomb 640 N. Hanover, Jno Sol Ogden 640 D°, W^m^ Norton 640 Bladen, David Burchard 500 N. Hanover, George Ronald 300 Bladen, Chas Hepburn 300 D°, Roger Moore 2 tracts 640 each Acres N. Hanover in trust for Mr Ashes Heirs, D° 2 tracts 400 each as heir to Edward Smith, Robert Halton 175 N. Hanover, Archibald Nicols 640 D°, John Swann 300 N. Hanover, Saml Bointram 350 D°, Jno Cook 640 Bladen, Thos Devarn 300 N. Hanover, Jonathan Calkins 1100 D°, Jos Morgan 640 Onslow, Thos Lock 640 Bladen, Jas Hasell 300 N. Hanover, Jno Larkins 640 Bladen, Caleb Copland 640 N. Hanover, Agatha Blaning 320 N. Hanover, Hugh Blaning 320 D°, Sara Rooden 640 Bladen Granted

Then the Court adjourned [to] the 2^d^ Tuesday in May next

At a Council held at Newton the 10^th^ May 1736

Present His Excellency the Governour

The Honōble { Nath Rice, Eleazer Allen, Math Rowan } Esq^rs^ Members of His Majestys Council

Read the Petition of Richard Hellier praying a Patent for 350 Acres of Land survey returned. Granted.

Ordered that a Court of Oyer and Terminer be held at Newton the eighth day of June next following by W^m^ Smith Esq Ch. Justice and Nath Rice and Eleaz^r^ Allen Esq^rs^ Assistant Justices and that a Commission pass the Seal for that purpose

Ordered That a Commission pass the Seal constituting and appointing Nath Rice, Robt Halton Eleazer Allen Mathew Rowan Roger Moore James Innes Edw^d^ Hyrne Josh Gabourel W^m^ Forbes Sam Johnston Rush Watts John Davis Esq^r^ Justices of the peace for the precinct of New Hanover to sit at the usual times the four last in the room of David Evans who declines and Thos Clifford, John Swann and Job How removed for permitting and encouraging Mr Saml Swann to plead as an Attorney before the Court without a Licence in contempt of an authority being contrary to an express clause of the Commission.

At a Council held at Newton the 16^th^ day of June 1736

Present His Excellency the Governour

The Honōble { W^m^ Smith, Nath Rice, Rob^t^ Halton, Math Rowan, Edw^d^ Moseley, Roger Moore } Esq^rs^ Members of His Majestys Council

Read the Petitions of Sundry Persons for Patents Surveys returned Viz^t^

Wm Smith 1000ac Craven, Jno Davis 320 Do, Jno Smith 229 Bladen, Henry Lewis 100 Do, Edwd Davis 300 N. Hanover, George Bishop 500 Do, Jos Clarck 500 Bladen, Nath Rice 300 N. Hanover, Do 200 Do, Jno Websters 208 Carteret, Jno Lamb 350 N. Hanover, Do 550 Do, Jno Brown 160 Bladen, Jno Cook 320 N. Hanover, Jim Clansey 300 Onslow, Jas Carver 300 Bladen, Thos Fullwood 640 Onslow Granted

N. B.—the same with 291 granted the 19th following

Read the Petition of Joshua Gabourel in behalf of Clement Machon praying a Patent for 510 Acres of Land in New Hanover precinct known by the name of Patridges Bluff

Ordered that a patent issue for the said Land in the name of the said Gabourel in trust for the Heirs of Moses Machon

Read the petition of Jno Perry for 600ac fronting New Topsail Sound Col: Moore alledging He has a Patent for the said Land

Ordered that he produce the same to the Secretary in two months otherwise a Patent to issue to the said Perry

The 17th of June 1736 Present as before

Read the Petitions of Sundry Persons for patents Surveys returned Vizt

E Allens 750 N. Hanover, Nics Bryan 327 Carteret, Jos Howard 640 Onslow, Phin Stevens 500 Do, Jno Dairs 300 Bladen, C. Metcalf 400 Craven, Thos Rowan 320 Bladen, Laz Turner 640 Craven, Mich. Clark 500 Onslow, Richd Whitehurst 636 Do, Francis Thomas 350 Bladen, Mich Clark 400 Onslow, Do 320 Ditto, Dan Shines 200 Craven, Tull Williams (Granted to Rd Saunders) 250 Do, Sam Johnston 640 Bladen, Alex Nesbit 640 N. Hanover, Thos Bell 500 Do, Rees Evans 320 N. Hanover, Saml Thos Neal 500 Do, Jas Greganns 450 Onslow, Jno Sekipper 160 Bladen, Rees Evans 640 N. Hanover, Edwd Marsh 640 Ditto, Hugh Campbel 640 Bladen, Adam Luten 640 Onslow Granted

Read the Petition of Peter Boyard for a tract of Land on the N. West river which R. Moore Esqr alledging to be within a Patent of his, the same is rejected

The 18th day of June

Col Moseley representing that thro' badness of the weather the time limitted for surveying certain Lands for himself and Mrs Sara Porter warranted in the time of the late Governour is elapsed and praying further time the same is accordingly granted not exceeding three months

Read sundry Petitions for Patents Surveys returned Viz

Richd Frenchs 300 Bladen, John McKnights 640 Do, Moses Plumer 440 Bladen, Do 440 Ditto Granted

Read the Petition of Col Moore for a Patent for 600^{ac} of Land on Bernards Creek survey returned The Bounds not being ascertained in the Warrant Rejected

Read the Petition of R^{d} Evans for 300 Acres on Barnard's Creek survey returned

Col Moore alledging he has a right for the said Land

Ordered That He produce the same to the Secretary in two Months otherwise a Patent to issue to the said Evans.

Read the Petition of Fra. Veal praying a Patent for 640 Acres on the S^{o} side of Old Town Creek Survey returned Roger Moore Esq^{r} alledging the same is already patented

Ordered That the Patents or an Authentic Copy thereof be produced at this Board the next Council otherwise a Patent to issue to the said Veal

Whereas several Persons Petitioners for Lands Surveys whereof have been regularly made and returned in pursuance of Warrants directed to the Surveyor General are notwithstanting prevented from obtaining Patents compleating their Titles to such Land by others pretending to have Patents of a prior Date to such Warrants To obviate such Disputes and delays for the future His Excellency is pleased to declare by and with the advice and consent of His Majestys Council That all persons so opposing such Petitions as aforesaid shall be obliged to produce their Patents or Authentic Copies thereof at the time of making such objection otherwise Patents to issue to the Petitioners

Read the Petition of Mic Brewer relating to a contract between Col Halton and Him Rejected as Scandalous and for as much as (tho' the Allegations were true) the same is not cognizable by this Board

Read the Petition of Cor^{s} Harnet and others shewing that the Petitioners are possessed of Certain Mill Lands which by the terms of their respective patents they are obliged to cultivate in like manner and proportion as other Lands are to be cultivated altho the said Lands being for the most Pine Barren are not capable of the same Improvements or will answer the Charge of Cultivation Wherefore they humbly pray that in lieu of such Cultivation as is now required the Erecting a Saw Mill (from whence so great advantage accrues to this Settlement) may be declared sufficient.

Whereupon His Excellency by and with the advice and consent of His Majesty's Council was pleased to declare That the Erecting a Saw Mill on any Lands on Cape Fear river shall for the future be deemed and allowed sufficient for saving a tract of Land (640 Acres) without other Cultivation

Richard Whitehurst and Jno Williams both laying Claim to the ferry Point at New River and the Matter being fully heard

Ordered That a resurvey be made of the Land formerly granted to Rich. Graves at or near the said Point and forthwith returned into the Secretarys Office and that the surplusage (if any) be granted to the said Whitehurst

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The 19th Day of June 1736 Present His Excellency the Governour

The Honōble { Will Smith, Edward Moseley, Robt Halton, Roger Moore, Math Rowan } Esqrs Members of His Majestys Council

It being made [to] appear That a great Number of Surveys with the respective Warrants returned to Mr Jenours late Surveyor General were consumed and lost by the burning of the said Jenours house. His Excellency taking the same into consideration was pleased by and with the advice and consent of His Majestys Council to Declare that all such persons as can produce the Surveys Plot of the Land He making Oath that the same is a true and genuine Copy provided it be agreeable to the description contained in the Register of Warrants belonging to the Secretarys Office shall be intituled to Grants on the same

Read the Petitions of Sundry Persons for Patents Surveys returned Vizt

Dan Lee, Wart to Thos Clerk 400 N. Hanover, Jos Sherburn 640 Do, Jno Renson 350 Do, Sara Smith 640 N. Hanover, Jno Gray 640 Do, Jas Green 640 Onslow, Jno Hodgson 640 N. Hanover, Jno Lovekin 640 Beaufort, Jno Fredric 400 N. Hanover, Dan Rees 200 Do, Richd Price 640 N. Hanover, Eleaner Sills 160 N. Hanover, Jas Hasel 210 Do, Timothy Bloodworth 443 N. Hanover, Jno Flaggins 500 Onslow, Cornls Harnet 1500 N. Hanover, Evans Jones 1280 Do, Ebenzr Holmes 465 Onslow, Jno Marshal 600 N. Hanover, A. DeRousset 640 Do, Jno Williams 640 Onslow, William Grey 640 N. Hanover, Jno Davis (falls within Mr Montgomerys Lines) 100 Bladen, Do 291 Do, David Lee 300 N. Hanover, Benj Sallier 200 Onslow, Ish. Taylor 584 Do, Jno Williams 640 Onslow

Nath Everet for the Heirs of Edmd Ennet 640 Onslow, Wm Gray & Wm Carter in trust for the Grand Child of Edwd Carter decd 640 Onslow, Lewis Bryan 200 Craven, Thos. Rowan 350 N. Hanover, Jas Roe 640 Craven, Edmd Ennet 640 Onslow, Math Rowan 640 N. Hanover, Nath Everet 543 Onslow, Do 640 Do, Roger Moore 640 N. Hanover, Thos. Wardroper 900 Do, Richd Fare 640 Onslow, Do 640 Do, Jno Fare 640 Onslow, Robt Knowles 300 Bladen, Cain Allen 320 Do, Robt Lowry

640 D°, Rob^{t} Halton 400 D°, Saml Baker (200 returned) 900 D°, Christ^{n} Heddleburgh 400 Onslow, Roger Moore 325 N. Hanover, D° 325 D°, W^{m} Wilson 300 Craven, Saml Johnston 300 Craven

Read the Petition of W^{m} Heritage for a resurvey of Glovers Land between Otter Creek and Hockams Creek on Neuse River Granted

Read the Petition of Jno Porter praying a resurvey of a Tract of Land on the N° E^{t} Branch Cape Fear River and a Grant for the Surplusage. Granted

Read the Petition of Sam Swann praying a resurvey of the late Mr Jno Bapt. Ashes Lands and a Grant of the Surplusage to his Heirs. Granted

Surveyor General delivered in Plots of certain Lands resurveyed pursuant to an order of this Board. Viz^{t}

A Tract of Martin Franks containing according to his Patent 10175 Acres but by the Surveyor Generals report 16476^{ac} excess 6301 The said Franks in Sept^{r} last surrendered the said Patent to the Governour in Council as invalid being issued after his Majestys Purchase as his Petition sets forth

Wherein He prays a new Warrant for such part thereof as shall be thought convenient which accordingly was granted for 5000^{ac} under umbrage whereof it appears by the aforesaid surveys that the said Franks did fraudulently intend to hold 11301 being the excess as above added to the said 5000^{ac}

Sundry Tracts of Cullen and George Pollock Esq^{rs} and the Heirs of the late Tho^{s} Pollock Esq^{r} containing by Prop^{ls} patent 12700^{ac} by the above returns of the Survy^{r} 13646 Excess 946

Sundry Tracts of Mr Fred Jones by patent as aforesaid 6735 by the above Returns 7432 Excess 727

At a Council held at the Council Chamber in Edenton the 21st Day of September Anno Dom 1736 Present His Excellency the Governour

The Honōble { W^{m} Smith, Mat Rowan, Nat Rice, Cull Pollock, Rob Halton } Esq^{rs} Members of His Majestys Council

His Excellency was pleased to observe that it would be proper to revoke the Proclamation prohibiting the Exportation of Wheat and Indian Corn the Reason thereof nŏw ceasing to which this Board assented

Ordered that a Proclamation issue taking off the said Prohibition

His Excellency having nominated Mathew Rowan Esq^{r} Surveyor General of His Majestys Lands in the room of Thos Wardroper Esq^{r} deceased this Honōble Board approved thereof

Ordered that a Commission issue accordingly

At a Council held at the Council Chamber in Edenton the 8th day of October 1736 Present His Excellency the Governour

The Honōble	Wm Smith	Edmd Porter	Esqrs Members of His Majestys Council
	Nath Rice	Math Rowan	
	Robt Halton	Edwd Moseley	

His Excellency requiring the advice of this Board in relation to one Evan Jones who has sat down on certain Lands on the N° East branch of Cape Fear river without any Warrant either from the late or present Governour they are of Opinion that he ought to be Warned off

Ordered that the said Evan Jones be warned off accordingly

The 13th Day of October Anno Domi 1736

Present His Excellency the Governour

The Honōble	Wm Smith	Math Rowan	Esqrs Members of His Majestys Council
	Nath Rice	El. Allen	
	Rob Halton	Edwd Moseley	

Read Sundry Petitions for Patents Surveys Returned Vizt

Peter Reels 350 Craven, George Cummins 400 Carteret, George Roberts 200 Craven, Wm Crawford 400 Onslow (100 retd), A Mabson & J Wainwright 160 Onslow, John Starkey 400 Carteret, Will Maxwell 450 Bladen (No more than 200acs retd), Hugh Blaning 640 Bladen, Wm Smith 100 Craven, John Middleton 640 Onslow Granted

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The 14th Day of October 1736 Present His Excellency

The Honōble	Wm Smith	Edmd Porter	Esqrs Members of His Majestys Council
	Nath Rice	Eleaz Allen	
	Robt Halton	Edwd Moseley	

Mr Chief Justice Reported the case of a Prisoner named James Powel condemned last Sessions for the Murder of his wife which this Board having duly weighed and considered It is their unanimous Opinion that the Prosecution of the said Powel was wicked and malicious

Ordered therefore that the said James Powel be reprieved till his Majestys Pleasure be known.

Read the Memorial of Edmund Porter Esqr setting forth that His Excellencys Proclamation dated the 2d of November 1734 did require and command those Officers who had been lately prevented suspended or removed from the Execution of their Offices to resume the Functions of their respective Commissions. That he the said Edmund Porter Esqr agreeable thereto did take upon [him] by Virtue of his Commission as Judge of the Court of Vice Admiralty here, to execute the Duties of the said Office

He therefore prays the opinion of this Honōble Board whether he was not comprehended in his Excellencys Proclamation.

Whereupon his Excellency was pleased to declare the said Edm^{d} Porter restored to his Office of Judge of the Vice Admiralty his Suspention not having [been] confirmed or approved at the Board of Admiralty wherein the Council unanimously concurred.

Read the Petition of George Thenney Esq^{r} praying a resurvey of Lovick Island in Roanoke river. Ordered the Surveyor General or his Deputy forthwith survey the same.

An Order of Council in Gov^{r} Burringtons time forbidding the taking up Land within two miles of any Saw Mill having been considered and no Reason appearing why the same should be continued

It is the Opinion of this Board that the same should be no longer observed or in force.

The time applied for holding the Court of Exchequer being near expired M^{r} Attorney moved for another term.

Ordered that the said Court be continued twelve months from and after the expiration of the time aforesaid

Ordered That a Commission for the Court of Oyer and Terminer be made out constituting and appointing William Smith Nath Rice Edmund Porter Eleazer Allen William Downing and Henry Baker Esq^{rs} Justices of the said Court to be held on the Second Tuesday in December next.

Ordered that a Commission of the Peace be made out for Beaufort Precinct constituting and appointing Robert Turner Jno Sneed Simon Alderson Seth Pilkenton William Barrow Abraham Pritchard Tho^{s} Bonner Francis Delamer, Sam Slade Jno Coldon W^{m} Carruthers and Tho^{s} Williams Esq^{rs} Justices of the said Precincts

Read the petition of Sr Richard Everard Bar^{t} in behalf of Dame Susanna Everard Executrix of S^{r} Richard Everard Bart Deceased setting forth that the Tuskarrora Indians are indebted to the said Susanna £203 in Drest Deer Skins and praying that they may be compelled to discharge the same referred to the Indian Commissioners

Ordered that a Commission issue appointing Robert West Esq^{r} —— Speirs Jno Gray and Thos Whitmel Gent Commissioners for Indian Affairs

Ordered that for the future the Indian Traders do not presume to trust or give any credit to the Indians and that the aforesaid Commissioners take care to see this Order observed.

Ordered that a Commission of the Peace be made out for the Precinct of Hyde constituting and appointing Sam: Sinclair Joseph Tart Colum Flyn Will Harris W^{m} Jording R^{d} W^{m} Sylvester Fors Jarvis Rich^{d} Leermint W^{m} Martin and W^{m} Webster Esq^{rs} Justices of the said Precinct

The 15th October 1736 Present as before

Read the Petition of Cullen Pollock and Robt West Esqr setting forth that David Henderson deceased bequeathed his Estate to George Henderson of this Province and six other Persons in share and share alike. That the said George Henderson hath got the whole Estate into his hands the said Petitioners praying that the said George Henderson may be compelled to deliver the six shares aforesaid to them

Ordered that the said George Henderson deliver such part of the Testators Estate as belongs to the six Absent Legatees with the Papers relating thereto to the petitioners

This Board taking into consideration the difference between sterling money and the Current Bills of this Province are of Opinion That it is six hundred ℔ Cent advance on Sterling

Ordered That the Receiver General and all and every person or persons by him appointed to receive his Majestys Quit Rents do receive the same according to the said proportion or Rate of Exchange

Ordered That all Public Treasurers and all Persons whatsoever who have any Public Moneys in their hands do attend at Newbern on the first day of March next ensuing to render an Account thereof to the Committee which shall be appointed to inspect and examine the same

Ordered That Public Notice be given thereof

Mr. Attorney moved in behalf of Rd Evans That He might obtain Patent for 300 Acres of Land on Barnards Creek C. Fear to which Col Moseley objected alledging that Col Moore has a Patent for the said Land

Ordered that Col Moore produce the said Patent before this Board the first day of March next at Newbern and if He fail herein that then the said Evans have a Grant as prayed

Read Sundry Petitions for Patents Vizt

Thos Dudleys 442 Currituck, Cornª Jones 426 Dº, Thoª Dudley 500 Dº, Nath Jones 370 Bertie, Will Eldridges 400 Bertie, Jas Setterson 100 Perquimons, Wm Moore 200 Dº, Thos Murphy 264 Craven Granted

By Order NATH RICE Cl.

[B. P. R. O. Am: & W. Ind: Vol. 23.]

LEGISLATIVE JOURNALS.

North Carolina—ss.

At a General Assembly begun and held at Edenton on Tuesday the 21st day of September 1736.

Present the hon^{ble} William Smith Esq^{re} President

	Nath. Rice	Rob^{t} Halton	Esq^{rs} Members
The hon^{ble}	Math : Rowan	Edw : Moseley	of the Upper
	Cullen Pollock		House of Assembly.

Received a message from the Lower House, that several of the Members of that House being mett waited for their qualification.

Whereupon his Excellency the Governour was pleased to appoint Robert Halton and Cullen Pollock Esq^{rs} Members of this Board, to administer the oaths by law appointed to be taken for the qualification of Publick Officers, to the several Members of the Lower House of Assembly.

A Message came from the Lower House to acquaint his Excellency that a majority of their House was qualified and waited his Directions.

Whereupon his Excellency sent a message to the Lower House requiring their immediate attendance; who accordingly came in a full Body, and his Excellency was pleased to direct them to choose their speaker & present him to-morrow morning at nine of the clock for his approbation.

Then the House adjourned till to-morrow morning at nine of the Clock.

Wednesday Sept^{r} 22^{d} The House met according to adjournment Present as before.

His Excellency came to the Upper House and by a Messenger required the attendance of the House of Burgesses, who came in a full body, and presented William Downing Esq^{re} their Speaker, whom his Excellency was pleased to approve of; and then delivered his speech to both Houses in the following words, viz^{t}

Gentlemen of the Upper House, M^{r} Speaker and Gentlemen of the House of Burgesses.

It is not with an intention of making any Demands for my own personal advantage, that I have now summoned you to meet in Assembly, I should look on such views as very mean and unworthy, while the publick Affairs are in such Disorder, and the little money you can at present afford to raise, may be more usefully employed in making Provision for establishing order, Peace and quiet in the Province, for promoting its trade and incouraging its navigation.

These I assure you Gentlemen are the designs which I have principally at heart, and I hope you are mett together with the most sincere resolutions of enabling me to put them in execution. I shall with great truth and plainness lay the state of the Country before you, and if its grievances are not redressed, and its abuses not reformed, and defects supplied, the blame must lye entirely at your doors.

I shall begin with observing the deplorable & almost totall want of divine worship throughout the Province, I believe it is impossible to instance in any Country, I am sure it is in any Collony belonging to a Christian nation, where some effectuall provision has not been made for paying in Publick, and at stated times that adoration, and Homage to Almighty God, so highly becoming all rational creatures; and for instructing the People in their duty to the supream Author of their being to one another and to themselves: After observing this, nobody will be surprized at the many disorders, which have always prevailed among us; especially when it is considered how little care is taken of the education of youth.

In all civilized Societys of men, it has always been looked upon as a matter of the greatest consequence to their Peace and happiness, to polish the minds of young Persons with some degree of learning, and early to instill into them the Principles of virtue and religion, and that the Legislature has never yet taken the least care to erect one school, which deserves the name in this wide extended country, must in the judgement of all thinking men, be reckoned one of our greatest misfortunes. To what purpose Gentlemen is all your toil and labour, all your pains and endeavours for the advantage and enriching your families and Posterity, if within ourselves you cannot afford them such an education as may qualify them to be usefull to their Country and to enjoy what you leave them with decency.

If you turn your eyes upon the laws (I mean such as regard private property) which ought to be the Guardians of your lives and fortunes, I'm afraid you will find them in a very bad scituation; upon the strictest enquiry I can't find that there is one compleat Copy of them in any one place, neither have I yet seen two copies of them which perfectly agree, some of them seem plainly calculated to promote fraudulent practices, and I dare say have prevented many honest fair dealing People from settling in the Province; most of them either appear under ridiculous Titles, are full of contradictions, or their language and stile is childish ridiculous and against the common rules of Grammar. As the happiness of every private man depends upon the laws, I think that this is a Grievance which can never too soon be redressed.

But if the laws were never so good and well contrived the want of sufficient jayls would still be a great obstruction to the execution of justice. Experience shews you that there is no securing off the worst of Criminals and bringing them to condign Punishment, without putting the Country to a vast Charge, by Keeping a perpetual watch round the Prisons, and even in spight of that Precaution, you have lately seen a

most inhuman, barbarous Murderer, escape the hands of Justice, to the great scandal and reproach of the Province.

And now Gentlemen represent all this to yourselves at one view; consider a Country where there has never yet any Provision been made for Keeping up the sense and awe of a Deity on the minds of People; where no care has been taken to inspire the youth with generous sentiments, worthy Principles, or the least tincture of literature; where the Laws are dispersed up and down in different Places on loose Papers, some of them contradictory, others unintelligible, and even from the plainest and best of them, the vilest and most notorious Malefactors not only may, but actually have escaped with impunity, by reason of the insufficiency of the Publick Prisons; Then consider yourselves as the Representatives of this Country, who have not only the Power and means, but are earnestly pressed and desired to remedy these calamities, to supply these defects; and when you have done all this, lay your hands upon your hearts and consider how you can answer it to God and your own consciences, how you can answer it to your Country or your Posterity, if you either neglect this opportunity of pursuing such valuable ends, or are diverted from it by the trifling arts of designing men.

There are other matters which tho' not of equal moment with what I have now been mentioning, yet very well deserve your attention. The Penalties in the Militia Law are so slight and so inconsiderable, that it is impossible to bring them to a muster so frequently as is necessary, and without your assistance, there is no avoiding this inconvenience.

I recommended to the last Assembly to use their endeavours for obtaining a direct Trade to Great Britain, it is in vain for you to complain of the excessive prices of European commodities or of the scarcity of Gold and Silver, while affairs remain in the present posture. If you do not fall on some effectuall methods of buying your goods at the first market, your Neighbours will never fail to make an advantage of your necessityes. I am the more convinced that it is very possible to do this, because upon examination I perceive the Navigation even of the northern parts of this Province, is not near so bad as a great many persons have industriously given out; And if in imitation of all the other Colonys on the Continent you would give sufficient encouragement for raising and exporting such products as can be raised in this Country, and bear a good price at home, I am satisfied you would soon see an alteration for the better in our Trade For the better preserving your Cattle, Corn and other grains, I believe you will find it highly necessary to provide a sufficient reward for the Killing of Vermin which as I am informed have done great Mischief in most parts of the Province.

I heartily wish you would make some proper regulations of Officers' Fees. I am told there have been great complaints and murmurs on this subject, but sure they have been very unjust. If any Person injured had applyed for redress & been denyed there might be some foundation for clamour; but as this has not been the case, I cannot see what Grounds there are for Complaints of this nature; but that for the future the Publick may know where the blame lyes, I desire you may search this evil to the bottom, and whoever the guilty Person is, let him be punished with the utmost severity.

I doe further assure you that as I have already sent home a list of all the Fees to the proper Officers, if you think fit to prepare a reasonable Bill for settling all the Fees in the Province, it shall not want my assent. And now I mention murmurs and clamours, I cant forbear taking some notice of the many impudent falsehoods & notorious untruths, which with a design to keep the Country in Confusion, have been so industriously propagated by a Party remarkable for nothing so much as being indefatigable in spreading the basest Calumnies, and never ashamed when detected in it.

I flatter myself I have no occasion to say much on this head, because it is pretty well known, that if they had been permitted, as in former times, to injure his Majesty's revenue, and oppress their fellow subjects, we should have been troubled with no complaints from that Quarter. I should be glad if every Planter would bring this matter home to himself, and make the case his own. Suppose in the late times, when no legall titles could be gott, He had satt down with his family on a vacant Tract of Land; had with great expence and labour built upon and cultivated it for severall years, and after all this, a Person shall come, (who perhaps does not so much as know the boundaries of it but by the Survey the other Person has paid for;) and with an insolent air, by virtue of a pretended title which perhaps a few hours before was a meer blank piece of paper, shall at once rob him of his Plantation and so many years labour; would there not be real and just ground to complain of a Government which would connive at such cruel proceedings as these? This Gentlemen is no bare supposition; it is a matter of fact which has actually happened more than once or twice, and nobody can tell how often it might have happened, if a seasonable stop had not been put to such infamous Practices. For my own part I think I may say without any vanity or ostentation, that I have put myself to great expence and even risqued my health to do justice to the People, by going on the spott to hear their different pretensions, and on all occasions relieving the poor industrious Planter from the oppressions and frauds of their more pow-

erful and crafty neighbours And as I heartily despise the poor trifling efforts of that sett of men to my prejudice, as well as the scandalous methods they take to make them effectual; so if any of their Artifices should so far prevail with you, as to lose this favourable opportunity of settling the Country; I shall still have the satisfaction of reflecting that I have performed my duty, and that nothing is left undone on my part.

But I can't persuade myself it will be in the power of such men as they any longer to divert you from serving your country in such material Points as are those I have recommended to you; and as I have been obliged by my instructions rigorously to maintain the Rights and just Revenues of the Crown, I shall be glad of all occasions to shew a tender regard for the Priviledges, happiness and liberties of the People, not being apprehensive that they are in the least inconsistent with one another.

Which being read at this Board resolved that M^{r} Secretary Rice, Mathew Rowan and Cullen Pollock Esq^{rs} be, and they are hereby appointed a Committee to draw up an Address in answer to His Excellency's speech, and lay the same before this Board.

Adjourned to Saturday.

Saturday Sept^{r} 25th The House met according to adjournment Present as before

M^{r} Secretary Rice, Mathew Rowan, & Cullen Pollock Esq^{rs} the Committee appointed to draw up an Address in answer to His Excellency's Speech, now laid the same before this Board, which was read, and by the majority of the House approved of, which is in the following words (viz^{t})

To His Excellency Gabriel Johnston Esq^{re} Captain General Governor & Commander in Chief in and over His Majesty's Province of North Carolina and Vice Admiral of the same.

The Humble Address of His Majestie's Council of the said Province now met in General Assembly.

MAY IT PLEASE YOUR EXCELLENCY,

We His Majestie's most Dutyfull and loyall subjects, Members of the Council of this Province do return your Excellency our sincere thanks for your seasonable and pathetick Speech, wherein you have pointed out the evils we labour under in order to their redress and the happy settlement of the Province, which you have recommended in such Terms, as can't but inspire all true lovers of their Country with sentiments of the warmest gratitude: as doubtless proper regulations, Provisions and Con-

stitutions in the Subjects proposed to our Consideration in your Excellency's Speech, would greatly conduce to, and promote, or rather effectually procure and attain those good ends which your Excellency has always appeared to pursue, with so much wisdom, zeal & steadiness (viz^{t}) the Establishing peace and order amongst us, and making us a flourishing Colony.

We beg leave to assure your Excellency we are extreamly pleased with this Opportunity and occasion of Acknowledging your Excellency's goodness, care and vigilance, so conspicuous in every part of your Administration; But which shines forth with a more peculiar and distinguished lustre in the quick detection and unbiased prosecution of frauds and abuses, which had been formerly committed in the disposition of lands (but shamelessly connived at and even palliated, nay even espoused by your Predecessor;) and the indefatigable pains, you have taken, to render justice to His Majestie's Subjects in this Particular, and to make them easy and safe in their possessions.

What less can your Excellency expect from us than a ready, chearfull and hearty concurrence (on which your Excellency may depend,) in redressing the Grievances, reforming the abuses, and supplying the defects of the Government, so as to render your administration easie, successfull and honourable, and ourselves and fellow subjects of this Province happy, in the full, secure & undisturbed enjoyment of our liberties and properties of which God's gracious high Providence and His Maj$^{tie's}$ fatherly goodness, has made you the welcome restorer, and watchfull Guardian.

We lament very much the want of Divine Publick worship (a crying scandal in any, but more especially in a Christian Community;) as well as the general neglect in point of education, the main sources of all disorders and Corruptions, which we should rejoice to see removed and remedeyed, and are ready to do our parts, towards the reformation of such flagrant and prolifick Evils. The revisál too of our Laws (as your Excellency observes,) is a matter of the greatest importance, and we shall be glad to see it well executed and new Laws framed, more for the Honour and advantage of the Province; and sufficient Prisons erected in proper places; without which (as your Excellency also well observes) the best laws will be ineffectuall and far from answering the ends of Government: we likewise hope this Sessions to see the militia put upon a good footing.

We are very sensible of the impositions and other Inconveniencies, the want of a foreign commerce exposes us to, and are ready to concur in any proper expedients for facilitating a Trade with Europe, and the

West India Islands as well as in a Law for regulating the fees, so as neither injustice be done to the people, nor hardships to the Officers; and in passing all such other Laws as may be proposed to us for the good of our Country, and particularly for all the purposes before mentioned.

We assure your Excellency that no insinuations, no artifices of any party or sett of men whatsoever, can alter our sentiments or change these our views, but that we shall ever look upon all such as join in an Opposition to measures so evidently calculated for the welfare and happiness of the Province, as the enemies of the Province, & wicked disturbers of the Publick Tranquility; which nevertheless, in spight of their impotent efforts, we hope and doubt not, but your Excellency will be able to establish upon a solid and lasting foundation.

Whereupon Edward Moseley and Cullen Pollock Esq^{rs} who dissented, prayed their dissent, and reasons for the same, might be entered on the Journals of this House, which being read and the matters therein alledged not appearing,

Voted that the Motion be rejected

Resolved that Edmond Porter and Mathew Rowan Esq^{rs} do attend His Excellency the Governor to acquaint him that this House are ready to wait on him with their Address, and then the House waited on His Excellency accordingly.

Adjourned till Monday Morning.

Monday Sept^{r} 27th The House met according to Adjournment

Present The Hon^{ble} William Smith Esq^{re} President

The hon^{ble} { Nath: Rice, Rob^{t} Halton; Math: Rowan, Edw^{d} Moseley } Esq^{rs}

Read a Bill for an Act for destroying Vermin within this Province the first time and passed.

Read a Bill for an additional Act to ascertain the manner of a Poll Tax and the sum necessary for building a Court House in Hyde Precinct the first time and pass'd.

Resolved that the Bill for an Act to appoint that part of Bertie Precinct lying on the south side of Marratuck river to be a distinct precinct by the name of Edgcombe Precinct, lye on the Table for further consideration.

Adjourned till tomorrow morning at 9 of the Clock.

Tuesday Sept^{r} 28th The House mett according to Adjournment.

Present as before.

Received from the Lower House the following resolves, Viz^{t}

Resolved that M^{r} Thomas Barker be appointed Clerk to attend and to do the business as such in two Committees (viz^{t}) of Grievances and

Propositions, and for inspecting the Publick Accounts, and that he be allowed thirty five shillings per diem for his attendance and Services; sent to the Upper House for concurrence.

Resolved that Mr Jeremiah Vail be appointed to attend as Clerk of the Committee of Claims; and for his attendance and service on the said Committee to be allowed thirty shillings per diem.

Sent to the Upper House for Concurrance. Which were read and refer'd for the consideration of this Board till the afternoon.

Received a message from the Lower House, viz^{t}

To the Hon^{ble} the Upper House

This House have appointed Mr Bonner, Mr Forbes, Mr Swan, Mr Bryant, Mr Baker, Mr Luten, Mr Jones, to be a Committee to joyn a Committee of the Upper House for Publick Claims and report the same to this House

To which this House sent the following answer viz^{t}

Mr Speaker and Gentlemen

In answer to your Message this House have appointed Edmond Porter and Edward Moseley Esq^{rs} a Committee to joyn that of yours for Publick Claims.

Received from the Lower House the following Message viz^{t}

To the Hon^{ble} the Upper House

As several Members of your House hold and enjoy Publick Offices we desire you will permit such Members of your House as are Publick Officers to lay before the Committee of Grievances and Propositions Lists of the several Fees they take and demand by virtue of their Offices.

To which this House sent the following Message viz^{t}

Mr Speaker & Gentlemen,

In answer to your Message relating to the Officers: This House has directed that every Officer in it do lay before the Committee the List of the fees they take and demand.

Received the following Message from the Lower House viz^{t}

To the Hon^{ble} the Upper House

This House has appointed Mr Maurice Moore, Mr Smithwick, Sir Richard Everard, Baronet, Mr Peyton, Mr Hill, to be a Committee to joyn a Committee of the Upper House for examining Publick Accounts and report the same to [this] House.

To which this House sent the following Message (viz^{t})

M^{r} SPEAKER & GENTLEMEN,

In answer to your Message this House have appointed Mathew Rowan & Cullen Pollock Esq^{rs} a Committee to joyn those of yours for examining the Publick Accounts.

Adjourned till tomorrow morning at nine of the clock.

Wednesday Sept^{r} 29th The House met according to adjournment.

Present The Hon^{ble} W^{m} Smith Esq^{re} President.

The hon^{ble}	Nath. Rice	Math: Rowan	Esq^{rs}
	Rob^{t} Halton	Edw^{d} Moseley	
	Edm^{d} Porter	Cullen Pollock	

Resolved, it is the opinion of this House that all Clerks of Committees, relating to matters ariseing in this House should be nominated by the House only.

Sent the following message to the Lower House (viz^{t})

M^{r} SPEAKER & GENTLEMEN,

In answer to your message relating to the appointing of Clerks to the Committees you mentioned, we must inform you, that we look upon it as our undoubted right, that where both Houses are equally concerned, we have an equal right in the nomination of Clerks of Committees; therefore cannot concur with you in those resolutions, wherein you have assumed that power solely to yourselves

Adjourned till tomorrow morning at nine of the clock.

Thursday Sept^{r} 30th The House met according to adjournment.

Present The hon^{ble} W^{m} Smith Esq^{re} President

The hon^{ble}	Nath: Rice	Math: Rowan	Esq^{rs}
	Rob^{t} Halton	Cullen Pollock	
	Edw^{d} Moseley		

Read the Bill for an additional Act to ascertain the manner of a Poll tax and the sum necessary for building a Court House in Hyde Precinct, a second time and passed with amendments.

Received a message from the Lower House (viz^{t})

TO THE HON^{ble} THE UPPER HOUSE

This House is of opinion, that the sole right of appointing Clerks to attend the Committee of Grievances and Propositions is vested in us, and having accordingly appointed M^{r} Thomas Barker Clerk to the said Committee, as likewise of the Committee for the inspecting the Publick Accounts, in which your House have a joynt right; We therefore submit the appointment of a Clerk of the Committee of Publick Claims to your House.

To which this House sent the following Answer (viz^{t})

M^{r} SPEAKER & GENTLEMEN,

This House agrees with you in the nomination of M^{r} Barker as Clerk to the Committee for inspecting the publick Accounts; And we nominate Henry Bonner Jun^{r} as Clerk to the Committee of Claims, to which we desire your concurrence.

Adjourned till tomorrow morning.

Fryday October 1st The House met according to Adjournment. Present The hon^{ble} W^{m} Smith Esq^{re} President.

The hon^{ble} { Nath: Rice, Math: Rowan; Rob^{t} Halton, Edw^{d} Moseley; Edm^{d} Porter, Cullen Pollock. } Esq^{rs}

Read the Bill for an additional Act to ascertain the manner of a Poll tax, and the sum necessary for building a Court House in Hyde Precinct, the third time and pass'd. Ordered that it be engrossed.

Adjourned till to morrow morning

Saturday October 2^{d} The House met according to Adjournment. Present as before

Read a Bill for an Act to appoint that part of Bertie Precinct lying on the south side of Marratuck river, to be a distinct Precinct and Parish by the name of Edgcombe Precinct the first time & pass'd.

Read a Bill for an Act for establishing and confirming a Town in New Hanover Precinct by the name of Wilmington at a place now called Newton; and for erecting a Court House and holding a Court there, the first time and passed.

Read a Bill for an Act to prevent killing of Deer at unseasonable times, the first time and pass'd.

Read a Bill for an Act to enable Samuel Williams to sell and convey in fee simple three hundred acres of Land in Bertie Precinct, the first time and pass'd.

The House adjourned till Tuesday morning.

Tuesday October 5th The House met according to Adjournment. Present The hon^{ble} W^{m} Smith Esq^{re} President

The hon^{ble} { Nath: Rice, Math: Rowan; Rob^{t} Halton, Edw^{d} Moseley } Esq^{rs}

Read the Bill for an Act to prevent killing of Deer at unseasonable times, the second time and pass'd.

Read the Bill for an Act for making, clearing and repairing roads, for making Bridges and settling ferrys, the first time and passed.

Adjourned till to morrow morning.

Wednesday October 6th The House met according to Adjournment.
Present The honble Wm Smith Esqre President.

The honble { Nath: Rice, Math: Rowan, Robt Halton, Edwd Moseley, Edmd Porter, Cullen Pollock } Esqrs

Read a Bill for an Act to establish and confirm that part which was formerly of Craven Precinct, and bay river, the first time and pass'd.

Read the Bill for an Act for destroying Vermine within this Province, the second time and pass'd.

Adjourned till to morrow morning.

Thursday October 7th The House met according to adjournment.
Present The Honble Wm Smith Esqre President.

The honble { Nath: Rice, Math: Rowan, Robt Halton, Edwd Moseley, Edmd Porter, Cullen Pollock } Esqrs

His Excellency the Governor came to the Upper House and sent a message to the Lower House commanding their immediate attendance at the Council Chamber, whereupon they came in a full body and presented the following Address

North Carolina—ss.

To His Excellency Gabriel Johnston Esqre Captain General, Governour and Commander in Chief in and over His Majesty's said Province.

The humble Address of the Members of the Lower House of Burgesses of said Province.

We the Members of the Lower House of Assembly humbly beg leave to lay before your Excellency the several grievances represented to us by the Committee appointed for that purpose which are in the words following (vizt)

On reading the Petition of Perquimons, Bertie and other Precincts and also several other informations complaining of the illegal Proceedings and methods of collecting & receiving the Quit rents, it appears to this Committee, that the Collectors or receivers, have compelled the Inhabitants of this Province, who hold their Land by Grants from the late Lords Proprietors, to carry their Quit rents to certain places appointed, tho' such rents were only demandable and payable on the Lands for which they were due, and had by custom time out of mind been received by the Collectors at the People's respective dwelling Houses; and that they then and there exacted and received, seven for one, contrary to the Laws of this Province, and by distress levyed on such as did not bring their rents to the Places so appointed eight for one, with extravagant Charges; It is

therefore resolved, and it is the opinion of this Committee, that such Proceedings are illegal and oppressive.

Upon the complaint of Beaufort and Bertie Precincts setting forth that the Indians, contrary to the Treaty of Peace, burnt upon their lands, and kill and disturb their Cattle, and they pretend to hunt by virtue of a lycence from His Excellency the Governour.

Resolved by this Committee that the House be moved to address His Excellency to withdraw the said Lycence.

Upon complaint of a new and unusual Clause in the Commission to the Justices of the several Precinct Courts, upon reading of which it appears to this Committee that the said Clause is contrary to Law.

Resolved by the Committee that the House be moved to address His Excellency the Governour to expunge the said Clause, and that all Commissions be issued in the antient and usual manner.

Resolved by this Committee that as the Court of Chancery has not been held as usual to the great grievance and prejudice of the suitors therein, That the House be moved to address the Governour that the same may be held at the usual times and places according to the antient customs and Laws of this Province, to forward the respective suits commenced and to be commenced therein.

Resolved by the Committee that the House be moved to address His Excellency the Governour that no Magistrate in this Province be superseded in his Office, without complaint for malefeasance in his said Office, and he be convicted of the same upon hearing before the Gov^{r} and Council.

We therefore the Members of the Lower House of Assembly most humbly beseech your Excellency to take the said grievances under your consideration and to afford us such redress therein as to your consum̃ate wisdom shall seem meet.

By order. W^{m} DOWNING. Speaker.

To the foregoing Address His Excellency was pleased to make the following Answer, (viz^{t})

GENTLEMEN,

To every Article of this your Representation of grievances I shall give you a particular answer. What you say about the quit rents being payable upon the Lands which were held under the late Lords Proprietors is certainly just, and the Officers who collected the rents had orders to go to their respective Houses, provided they paid in Gold or the finest silver as was demanded by the late Lords Proprietors, immediately after the Indian war, and sure His Majesty has good reason to

insist on the same now, after so many years of Peace and Tranquility. But to such as brought their Quit rents to the Court Houses it was allowed to pay in the Bills of this Province at the rate of seven for one sterling money, which as you all know by your private dealings was making an abatement of thirty per cent for their trouble in coming to the Court House. I am very willing for the future that the rents be received as you desire, provided they are paid in Gold and Silver. It is a very strange assertion Gentlemen to say that taking seven for one is contrary to Law; I wish you would look over the Law which established the first Currency in this Province (and which you all know was more valuable by far than this is ever like to be) You will find in it as strong expressions if not stronger binding all persons to take Bills at the Exchange there mentioned, than there is in the Law passed last Assembly; and yet the late Lords Proprietors acquainted the Assembly at that time that they must not pretend to impose their Bills of Credit on them in payment of Quit rents, and the Assembly in answer assured their Lordships that they had no intention of that nature, and do you think gentlemen, that it is possible now to pass that upon the Crown, which you durst not offer to do to the late Lords Proprietors, It were very hard indeed, if when no private person will part with sterling money under ten for one, His Majesty only should be obliged to take it at five.

If this was to be the case, you might safely change the Title of your currency Act, and call it in plain English an Act for Depriving His Majesty of one half of His revenue. Such suggestions as these may occasion the currency Act to be repeal'd at home, but will never procure the least abatement of His Majesty's just revenue, and as my conduct in the last collection is highly approved of at home and I am sure of being supported in it for the time to come, I cannot avoid proceeding for the future in the same manner as I have begun, I could indeed wish that by some Law consistent with the dignity of the Crown, you would make the collection of Quit rents as easy as possible to His Majesty's Subjects; But that lyes entirely in your breasts.

If there is any clause either in the Commission of the Peace, or any other Commission contrary to Law, upon pointing out the particular clause, and the Law that is infringed by it, I shall immediately order it be struck out.

I am entirely of your opinion, Gentlemen, that removing of any Magestrate without good and sufficient grounds, is a dangerous practice, and may be attended with very bad consequences; and as I never have, so I resolve never to do it; But I must be excused from coming into your Proposal, because it appears to me to change the very nature of the

Commission of the Peace, which always was a Comission durante bene placito only, whereas by your Proposal, the Commission to the Justices would be quamdin se bene gesserint; an alteration I dare not make without His Majᵗʸ'ˢ special direction.

I shall take care to recall all the Licences given to the Indians, and strictly charge them not to presume to hunt within any plantation in this Government.

As to the Court of Chancery, I do assure you I have often lamented that it is not held more regularly, the holding of that Court as well as the supreame Court so near the Virginia Line when the Province begins to be so populous in the southern parts, is attended with so many inconveniencies that unless you find some speedy & effectual remedy for them, there will be an absolute necessity for fixing all the Courts in some more central part of the Province.

This is Gentlemen what I have to say to those grievances your Committee have been pleased to make a report of to you; I am sorry they have been so remiss in their duty as to present so few grievances and those so little material, In any other Country besides this I am satisfied they would have taken notice of the want of divine worship, the neglect of the education of youth, the bad state of your Laws and the impossibility to execute them, such as they are Grievances which will deserve redress, but these it seems are not reckoned grievances in this part of the world. The more unhappy for the People whom you represent; for all the world must now see who is to be blamed for neglecting matters so essential to the peace quiet and good government of the Province.

Adjourned till tomorrow morning.

Fryday October 8ᵗʰ The House met according to Adjournment. Present as before.

Read the Bill for an Act to appoint that part of Bertie Precinct lying on the south side of Marratuck river to be a district Precinct by the name of Edgcombe, a second time and rejected.

Read a Bill for an Act to establish and confirm that part which was formerly called Craven Precinct and Bay river, a second time and rejected.

Read a Bill for an Act for ascertaining & regulating Officers fees and Offices, the first time and pass'd.

Adjourned till to morrow morning

Saturday October 9ᵗʰ The House met according to Adjournment.
Present the honᵇˡᵉ Wᵐ Smith Esqʳᵉ President

The honᵇˡᵉ { Nath: Rice, Robᵗ Halton, Math: Rowan, Edwᵈ Moseley } Esqʳˢ

Read the Bill for an Act to prevent Killing Deer at unseasonable times, third time and pass'd.

Ordered that it be engrossed.

Read a Bill for an Act for facilitating the navigation of several parts of this Province and buoying & beaconing the Channels leading from Ocacock Inlet to Edenton, Bath Town and Newbern, and for providing sufficient Pylots for the safe conduct of vessells, a first time and pass'd.

Adjourned till Monday morning.

Monday October 11th The House met according to Adjournment.

Present The honble Wm Smith Esqre President

The honble { Nath: Rice, Eleaz: Allen, Robt Halton, Math: Rowan, Edwd Moseley } Esqrs

Upon reading the Bill for an Act for ascertaining and regulating Officers' fees and Offices, the second time, The question being put whether the Bill should be amended or not, the House was divided.

Read the Bill for an Act for making, clearing & repairing Roads, for making Bridges and settling ferrys, the second time. Ordered to lye on the table till to morrow for further consideration.

Read the Bill for providing His Majesty a Rent Roll for securing His Majestie's quit rents, for the remission of arrears and for quieting the Inhabitants in their possessions &c, the first and rejected, and thereupon sent the following message (vizt)

Mr Speaker & Gentlemen,

On reading the quit rent Bill the first time in our House, we find it clog'd with so many clauses to the apparent detriment of His Majestie's revenue that we have rejected it.

Received a message from the Lower House in these words (to wit)

To His Excellency the Governor & Councill.

Whereas Mr Thomas Smith Treasurer for Hyde Precinct, is dead, this House recommend to His Excellency the Govr and Councill, the following persons to be one of them, Treasurer of Hyde Precinct. vizt Mr Sam: Sinclair or Mr Jos: Tart.

Which was concurr'd with and sent to His Excellency for his assent and nomination.

Read the Bill for an Act for destroying Vermin within this Province, a third time and pass'd. Ordered that it be engross'd.

Adjourned till to morrow morning

Tuesday October 12th. The House met according to Adjournment.

Present The honble Wm Smith Esqre President.

The honble { Robt Halton, Eleaz: Allen, Edmd Porter, Math: Rowan, Edwd Moseley } Esqrs

His Excellency being come to the Upper House & having sent a message to command the immediate attendance of the House of Burgesses; they not paying obedience thereto His Excellency was pleased to send another Message to them; But they still neglecting to give their attendance, His Excellency then by and with the advice and consent of His Majesty's Council, prorogued the General Assembly to the first day of March next, then to meet at Newbern. By Order.

NATH: RICE, Clk. Upp: H: Assembly.

1737.

[B. P. R. O. North Carolina. B. T. Vol. 10. B. 19.]

Sir, [Secretary of Board of Trade]

Governour Johnston by his letter to me, seems very desirous to have their Lordships Opinion in regard to the methods he has taken in collecting the Quit Rents; the Planters there have hitherto paid their arrears of Quit Rents without any considerable Opposition but it is now to be feared from the many letters they have received from this, insinuating to them that the Governours conduct is not approved, that they will not submit to the payments of their Quit Rents so readily as they have hitherto done, therefore I imagine that it will be entirely necessary that their Lordships should express themselves fully on this head before the next Collection of the Quit Rents in the Spring; as that will be a means of keeping the people quiet and makeing them the more readily comply with their Duty; and as their Lordships have approved the erecting of a Court of Exchequer I humbly conceive their Lordships can be under no difficulty in ordering the Governour to put the Laws of that Court into Execution, against such persons as refuse to pay their Quit Rents.

The practice of the people of the Colony for a long time past of Boxing pine trees for Turpentine and burning of light wood for pitch, without takeing out any regular pattents for the Lands, has been of great

disservice to his Majesty's Revenue in that Province; therefore it is hoped their Lordships will take notice of it immediately, and instruct the Governour fully about it, there are many people in the Colony, who bear Great resentment against the Governour on that account, and they are made to believe that what the Governour has done in preventing them from destroying the Kings Woods, is not by virtue of any instructions from their Lordships but from an Arbitrary disposition in himself the Governour in his letter to me, also mentions the necessity that appears to him of having the Assemblys continued longer than two years; considering the unsettled state of the Colony, it will be of great service in preventing frequent Ellections, which introduces great disturbances amongst the people of the Colony.

The Priviledge they claim in their Biennial Assemblys of meeting without any Writt or summons from the Governour, appears to me very extraordinary and to be entirely inconsistent with his Majesty's priviledges, therefore I doubt not but their Lordships will immediately take notice of it and instruct the Governour how to proceed.

The favour I am to beg of you is that you wou'd recommend it to their Lordships to take the Governour's letter into consideration as soon as possible as there will be an opportunity of conveying their Lordships answer, by way of Virginia in about ten days and in case their Lordships shou'd disapprove of any part of the Governour's conduct (which I hope they will not) that in such case they will be pleased to write the Governour two letters the one only to contain such things as their Lordships approve of, that he may be at the liberty of shewing it to the people of the Colony, and the other to contain such matters as their Lordships are pleased to direct in a private matter, I am sir

Your most, &°., HENRY M°CULLOH

17th Janry 1736. [1737]

[B. P. R. O. North Carolina. B. T. Vol. 10. B. 31.]

Sir [Secretary of Board of Trade]

Having by several paquets to the Board of Trades acquainted their Lordships with the state of this Province I take this opportunity (which I have met with beyond Expectation) to beg the favour of you to solicite their Lordships for a speedy answer under cover to some of the Governors of the Northern Provinces and by him to be forwarded by express to Edenton.

It is a peculiar hardship to the Gentlemen who serve the Crown in this Colony that it never was before brought under any order nor sub-

ject to the regulation of the Laws. That there is not a place of the whole Government fit to keep any one Office in nor any fitt nor effectual Law for raising the Militia, so that if we have not the Countenance of his Majesties Ministers and Boards at home it is really impossible to carry on business and M^{r} Burrington has had the Address to persuade the people that his Majesty neither wants Quit Rents to be paid nor any of his instructions to be observed so that if I do not soon receive orders from my Lords of Trade in consequence of my last letter I must sitt still and suffer matters to go in the same confused irregular manner as formerly.

It is now almost two years since the Lords of Trade referred the case of the Blank Patents to the Attorney General I immediately ordered all Proceedings to be suspended until we should have so good an Authority to direct us. It is a great misfortune that we have never yet been favoured with M^{r} Attorneys opinion for the proprietors of these Patents have really endeavoured to excite the people to a Rebellion because we distract upon a few of them who refused to pay their Quit Rents which is an unheard of practice in this part of the world. I have now fairly and without prejudice sent my opinion which of these Patents ought to be vacated (by the prosecution of the Attorney General of this Province) and which of them ought to be allowed of and if I don't hear speedily from their Lordships I hope if any bad consequences should happen they will not be laid to my charge.

I was obliged to prorogue last Assembly at Edenton which at first promised very fair to settle this Country by enacting some good Laws. But an Emissary from the late Governour who arrived here during their sitting did amuse them with so many representations that it was impossible to do business with them, according to the last prorogation I met them here on the first current and recommended to their consideration the present miserable case of the Province. But instead of mending that the first thing they attempted was to take the Officers who distrained for his Majesty's Quit Rents during the time of Collection into Custody upon which I dissolved them by the enclosed proclamation. I hope Sir you will be so good as to say before their Lordships what I have now wrote to you in a very great hurry, But as the affair is pressing I hope you will excuse any oversight. I am Sir, yours, &c.,

GAB: JOHNSTON

Newbern March 11th 173$\frac{6}{7}$.

North Carolina.

By his Excellency Gabriel Johnston Esq^re^ Cap^t^ Gen^l^ & Govern^r^ in Chief of the said Province.

A Proclamation.

Whereas the Lower House of Assembly instead of redressing the many Grievances the Country labour under for want of a sufficient maintenance being provided for the Clergy & proper additions to and amendments of the Laws in force which are at present so defective both which have been so often and so earnestly recommended to them, Have taken upon them in a very disorderly and undutiful manner to intimidate his Majesties officers in the execution of their duty by order of them into Custody, thereby to prevent the Collection of the Quit Rents so long due to his Majesty I do therefore by and with the advice and consent of his Majesty's Council, dissolve this Assembly, & this present Assembly is accordingly dissolved.

March 4^th^ 173$\frac{6}{7}$.

[From North Carolina Letter Book of S. P. G.]

Monday, March 13^th^ 1737.

May it please your Lordship [Bishop of London]

It was very shocking to me to be informed by the Gent^m^ that waited on you with my Letter to acquaint your Lordship of my arrival from Cape Fear that I had suffered so much in your esteem that you was utterly averse to see me. I do with great sincerity and sorrow confess that I have given your Lordship great cause to be offended with me, but I can with a good conscience declare that I have sincerely repented of every miscarriage that my memory can recollect & shall never be partial to myself but ready on all occasions to declare my detestation & abhorrence of every neglect of duty.

I humbly beg your Lordship will judge charitably & candidly of me & if you will not be graciously pleased to interest yourself so far in my favour as to recommend my case to the Hon^ble^ Society I humbly supplicate your Lordship to condescend to deliver to the Secretary of the Society the Letter you received from the Inhabitants of Cape Fear in my favor from the hands of M^r^ Hunter, & to inform him that you had received a letter from Gov^r^ Johnston confirming from his own knowledge the character given of me by my parishioners.

I despise [desire?] to live to no other end than to do service to Gods Church & conscious of my own good intentions & desires suggests to me

many flattering hopes of doing God & his Church good service at Cape fear if I meet with suitable encouragement

I subscribe myself &c.

RICH[d] MARSDEN

Capt Wimble intreats your Lordship to accept this map of North Carolina

[B. P. R. O. North Carolina. B. T. Vol. 10. B. 27.]

My Lords [of the Board of Trade]

As I have the honour to be appointed Receiver General of his Majesty's Quit Rents for this Province I think It my duty humbly to lay before your Lordships an account of the many difficultys and obstructions I have met with in my Collection from which I am but lately returned, more especially from the Inhabitants of Albemarle County the most numerous in the Province and from whom the largest sums are due.

Your Lordships are no doubt perfectly acquainted with the Tenours under which the people of that County hold their Lands and the indulgence given them by the Governour in Council by rateing their paper currency at no more than at seven for one sterling (for want of Gold or Silver) and allowing their arrears of Quit rent to be paid at that rate, although it was notorious that a much larger proportion of paper would not purchase the sterling either in specie or in any of the saleable commodityes of the Countrey. And indeed the people seemed so sensible of this favour that in my last years collections which were for the whole arrears due since his Majesty's purchase. I found very little opposition but from some few who had been too deeply concerned in former irregularitys not to hope they would be over lookt among other confusions of their own raising. It was then my good fortune to procure a considerable rent roll and receive as large a sum of money as could be expected considering the situation of affairs at that time. From whence I thought I might reasonably conclude a proportionable success in the annual Receipt instead of which I have met with the greatest opposition under various Pretences.

First that the Quit rents are and ought to be payable at their several and respective dwellings in the commodities of the Countrey.

Secondly that the taking seven for one sterling is illegal and expressly contrary to a law past the 27[th] of November 1729 entituled an Act for

makeing and emitting the sum of forty thousand pounds in which Law the Assembly pretend to settle the value of the Paper currency by adjudging it every 20^{s} to be equal to 15^{s} w^{t} of Silver as current in Virginia which is in proportion as four to one and from thence deduce the exchange of five for one ster^{l} at which rate they insist the Quit rents ought to be paid althō it is well known throughout the Province that 20^{s} sterling is worth ten pounds in the Paper currency and as I have seen it sold at the place of the Receipt of the Quit rents in Bertie Precinct in Albemarle county.

Thereby that the Quit rents throughout the Province are payable in proclamation money by an Instruction to his Excellency the Governour relateing to the remission to the arrears of Quit rents &c. to which I beg leave to refer your Lordships from whence they would conclude that the Quit rents of Albemarle county which by their Grand deed in 1668 are payable at Two shi^{ll} ster^{l} and 100 acres should now be reduct to Two shi^{ll} proclamation and that too payable in Paper money at such rates as they shall please to affix, an absurdity too glaring to require any answer.

I shall not presume my Lords to make any further Animadversions on these points but humbly leave them to your Lordships consideration only thus much I would beg leave to observe that the bulk of the people are well inclined but their understandings are imposed upon by a few designing men of which M^{r} Moseley a member of the Council (and who for these two years has refused to pay his Quit rents) is I apprehend the chief. This Gentleman has been deeply concerned in the disposal of the Blank Patents so detremental to the revenue of the Crown which are now under your Lordships consideration. And I hope I shall not be accused of doing any injustice to his character if I say that all the difficultys and obstructions which have attended the several Collections of the Quit rents especially the last are entirely owing to that Gentleman and his Friends who leave no stone unturned to perplex the Government and render the Quit rents of as little service to the Crown as possible.

Your Lordships will be pleased to pardon if I enlarge, and mention one instance of this Gentlemans conduct (among others of the late Lords Proprietors officers) while he was their surveyor General and one of their Council. It was usual with them when the Blank Patents began to grow too numerous to be disposed of in Bath County at the exhorbitant rates they were originally sold at, to endeavour to find out a new market and lower the prices. To this intent they offered them to several persons in Albemarle County who already held Lands from the Lords Proprietors by Grants at 2^{s} ster^{l} per 100 acres for a smaller consideration (thō sufficient

to render them considerable gainers thereby) some were so weak as to purchase them for the sake of an easier Quit rent and who have refused to pay at any other rate than by their Last Patents. Many of these I have met with in the course of my Collection and some of Mr Moseley's disposal.

These my Lords were among those called purchased patents Purchased by connivance of the Officers then in trust from the Lords Proprietors by them and them only at twenty pounds per 1000 acres paper currency and received in payment of their several and respective salarys as they became due so that by this management their Lordships (and consequently the Crown) have made an exchange of an annual revenue of fifteen shill: sterl: for ever out of every thousand acres so disposed of for the triffling consideration of about £3.10. sterl paid to their Officers and accounted for as they thought proper.

The Paper here inclos'd is what I took from the Publick Place of Receipt in Bertie County Precinct signed by three of the then members of the Assembly which I conceive will sufficiently demonstrate to your Lordships the terms they would pay their Quit rents at.

I should not have trespast so long on your Lordships time and Patience were it possible to remedy the evil by exerting myself in my Office. But the contagion is too far spread and renders it impracticable I therefore humbly submit it to your Lordships judgements whether his Majesty's Quit rents should not be paid at certain places throughout the Province, and (for want of silver or gold) in the paper currency at such a rate as will equal the sterling vallue. I am

May it please your Lordship, your, &c.,

ELEAZr ALLEN.

North Carolina Cape Fear River March 29th 1737.

February the 20th Day 173⅞.

We the Subscribers Representatives of Bertie Precinct being summoned (as we are informed) to attend this day at the Court House in order to pay his Majestys Rents due by us for Lands held in this Precinct and lest any unadvised people should misconstrue our words or actions as thoe we were unwilling to pay what Rents we justly owe his Majesty to remove such an objection if any should be made we in a Publick Manner Declare that we always were and are ready to pay what Rents we justly owe according to the covenant and agreement made between the late Lords Proprietors and the inhabitants of the County of Albemarle according to the Tenour of our Patents according to the

Laws of this Colony and the constant practice of near seventy years standing which always was and as we conceive ought to be paid and received in the Commodities of the Country at our respective houses we are also well satisfied that the Opinion of the late Assembly was that all other demands whatsoever were Illegal

BENJ: HILL. J^no^ LAWSON. JA^s^ CASTELLAW.

[B. P. R. O. North Carolina. B. T. Vol. 21. p. 259.]

Sir, [Gov. Gab. Johnston]

Since the letter from My Lords Comm^rs^ for Trade & Plantations to you of the 11^th^ Nov^r^ last their Lordships have received yours of the 15^th^ October preceding and Mr. McCulloh your Agent has laid before them the several papers you mention to be inclosed in your said letter except the estimate of the charge of running the division line between your Province and South Carolina As mistakes of this sort may frequently happen from your sending part only of the papers you intend for the consideration of my Lords in your letter to them and the remainder of them to your Agent I am to desire that you will for the future constantly send with the letter to their Lord^ps^ such papers as are therein mentioned to be inclosed.

My Lords have considered what you have wrote concerning the Blank Patents and altho' their Lordships may generally approve of your sentiments upon the subject, yet as the case of these Patents as drawn up by yourself now lies before His Maj. Attorney & Solicitor Gen^l^ My Lords do not think proper to send you any directions concerning the said Patents until their Lordships shall have received their opinion in point of law upon this subject which is soon expected In the mean time I am commanded to send you inclosed the copy of M^r^ Burrington's Answer to your state of the Blank Patents for your observations thereon which likewise lies before the Attorney and Solicitor General.

The next part of your letter relates to the payment of Quit Rents upon which you desire directions from My Lords as to your continuing to receive them in Proclamation Money instead of commodities which the inhabitants are desirous of paying them in Upon this subject you have full directions in your instructions and My Lords do not see that you can want any explanation of them The Quit rent which by your instruc-

tions you are directed to reserve is four shillings Proclamation Money for every hundred acres but as you have mentioned the receipt of £4,200 sterling on account of arrears of Quit rent My Lords desire to know in what specie that sum was paid.

With regard to the collection of those Quit rents their Lordships observe that you have proposed the appointment of Sheriffs and desire you may have directions whether such officers may not be appointed by a law to be passed for that purpose wherein some equivalent may be made to the Provost Marshal and these Sheriffs to be appointed Collectors of the Quit rents. Upon this subject and the other difficulties mentioned in your two letters of 15th October and 29th November last which my Lords have not as yet sufficiently considered to return you a particular Answer Their Lordships see no objection to your getting an Act or Acts passed for remedying the grievances complained of Provided you take care that a clause be inserted in such Acts to suspend their execution until the King's pleasure can be known thereupon.

My Lords have now laid the Biennial Law of your Province before His Majesty with their reasons for repealing and when His Majesty shall have come to any determination thereon you will have notice thereof.

I am Sir, &c.,

ALURED POPPLE

Whitehall April 22nd 1737.

[B. P. R. O. North Carolina. B. T. Vol. 10. B. 29.]

My Lords [of the Board of Trade]

Your Lordships letter of the eleventh November came lately to my hands There was a full account of what passed between our Commissioners and those of South Carolina relating to the boundary line in the Minutes of Council from the 25th of March to the 25th of June 1735. But as your Lordships ordered a particular account of that matter I confess I was in the wrong in neglecting to send an Extract from the Council Books. I have now ordered the Commissioners to prepare a Draught of what they have done which I shall transmit to your Lordships by the first opportunity. The running of this Line is farr from being compleated. The Commissioners were put to great charges and endured vast Fatigue Our Assembly refuse to pay them any thing and are very positive it ought to be done at the charge of the Crown. The manner of running it is agreed upon by both Colonies, but it cannot be put in execution untill it is determined who are to pay the Commissioners.

I am sorry the Attorney General has not after so many years made his report concerning our Laws, it is a great misfortune to every Body concerned in the Government here If they are found to be good and valid notwithstanding the want of so essential a condition as the Approbation of the Board of Proprietors and the Publication of that Approbation at the next Biennial Assembly (which is M^{r} Smiths objection & mine) His Majesty will have very little to do in this Province for they have taken effectual care to make themselves Independent both of the King and the Lords Proprietors: And as to private Property they may rob orphans and cheat strangers and have these Laws still on their side Even now when we have a Court of Exchequer we cannot get Justice done to the Crown, except in such cases where we can proceed by English Bill. Every Juror is a Tenant of the Crown and will never find for his Landlord. They imagine besides all this that they have a Governour and every other Officer who will not betray his Majesty's Interests in their Power It is only as they reckon to send home a number of complaints, and let the charge be never so untrue improbable and contradictory they are sure they cannot in this Country be at a Loss for Affidavits in what number they please.

I ask pardon for never having yet sent an answer to the annual Queries transmitted me from your Board I flattered myself that before this time I should have been able to send your Lordships some specimens of the finest products of the S^{o} of France and Italy which with a good deal of charge and expence I have begun to raise in this Country but have been pretty much retarded by the opposition and murmurs which all regular Governments will meet with in this Province unless most vigourously supported from home. I shall however soon send a particlar answer to these Queries and hope to be able at same time to shew your Lordships of what improvements this Country is capable if duely encouraged.

I have heard much from some Gentlemen lately come from England of a design to send an independent company into this Province. It would be a great happiness to this Country if his Majesty would be so good as to do it. I am satisfied until it is done our Assembly will never build one sufficient Goal in the Province nor put the Militia in any tolerable footing; and how Government can be mentioned or the Lives and Properties of the subjects preserved where the Militia cannot be raised nor the Persons of Malefactors and Debtors secured I leave to your Lordships speedy consideration. This is literally the case here and if not soon remedied must have fatal Effects.

I hope your Lordships will not think I presume too far, in case such a company is sent here if I beg I may have a Commission to be Captain of it. I should not venture to solicite for it if I was not certain that

his Majesty's service cannot be so effectually promoted here by any other Persons having it. I must also beg leave to represent that thō I have been now Governour of this Colony four years I have the name of a Salary of £1000 ster^l^ yearly I have not yet been able to command £200 S^t^ thō I have endured a great deal of Fatigue and trouble & lived at a very great Expence. The currency of this Country is at present so bad that it is impossible out of my Salary to procure from England such things as are absolutely necessary for living here with common decency I must therefore beg your Lo^ps^ to consider my present mean Provision when any proper Occasion such as this shall offer.

I wish your Lo^ps^ would also be pleased to consider what the Receiver General has represented to your Board as to the Exchange of the Currency into sterling money. All his Majesty's Officers have been great and willing sufferers by it in order to make the payments of the Arrears of Quit rents more easy to the People, but the full exchange ought certainly to be taken for the future and it would look best if that was done by your Lordships express command.

I am, &c., GAB: JOHNSTON.

Cape Fear, April 30^th^ 1737

[B. P. R. O. North Carolina. B. T. Vol. 10. B. 28.]

At the Court at Hampton Court the 21^st^ July 1737.

Present the Kings most Excellent Majesty in Council.

Whereas an Act was passed in the Province of North Carolina during the time the said Province was under the Government of the late Lords Proprietors. Entituled "An Act relating to the Biennial and other "Assemblys and regulating Elections and members.

Which Act, together with a Representation from the Lords Commissioners for Trade and Plantations proposeing the Repeal thereof having been referred to the Consideration of a Committee of the Lords of his Majestys most Honourable Privy Council for Plantation affairs. The said Lords of the Committee did this day report their Opinion to his Majesty that the said Act ought to be repealed. His Majesty in Council taking the same into consideration was graciously pleased to declare his disallowance of the said act and pursuant to his Majestys Royal Pleasure thereupon expressed the said act is hereby repealed, declared void and of none effect. Whereof the Governour or Commander in Chief of his Majesty's Province of North Carolina for the time being and all others whom it may concern are to take notice and govern themselves accordingly. A true Copy. JA: VERNON.

[B. P. R. O. North Carolina. B. T. Vol. 11. B. 66.]

My Lords, [of the Board of Trade]

In obedience to your Lordships' commands signified to me by M^r^ Popple I have considered the nine following Acts passed at North Carolina in $173\frac{4}{5}$, entituled

An Act for stamping and exchanging the present Bills of Currency of this Province and for the better explaining an Act of the General Assembly past the 27^th^ day of November 1729 entituled An Act for making & emitting the sum of £40,000 Public Bills of Credit of North Carolina.

An Act for repealing a Clause in an Act entituled an Act relating to Biennial and other Assemblies which empowers Freemen of the several precincts to vote for Members of Assembly and declaring what persons shall be qualified to vote for Members to sit in General Assembly and also qualification of Members for the future.

An Act for laying out, making, altering and keeping in repair the several roads and highways within the several precincts of the County of Bath; and for building bridges & cleansing & keeping clean the several rivers and Creeks within the same.

An Act for reviving an Act entituled an additional Act to the Act for Tryal of small and mean causes.

An Act for laying a duty on Liquors for and towards defraying the contingent charges of the Government; and to make a poll tax on the poorer Inhabitants more easy.

An Act to ascertain the Allowance of His Majesty's Council and the Members of Assembly of this Province.

An additional Act to the Act Concerning Roads and Ferrys.

An Act to confirm and establish the Precincts of Onslow and Bladen and for appointing them distinct Parishes.

An Act for granting to His Majesty the sum of £14,150 3^s^ 2^d^ for the service of the publick of this Province and for laying a tax on the Inhabitants of the same for the payment thereof, and for stamping the sum of £10,000 Bills of Credit for the more immediate discharge of part thereof.

To all which I have no objection in point of Law.

I am, &c., FRAN: FANE.

5^th^ August 1737.

[B. P. R. O. North Carolina. B. T. Vol. 10. B. 3, 7, 8, 12, 13, 23, 26.]

THE MURRAY CRYMBLE AND JAMES HUEY GRANT.

At the Court at S^{t} James the 19th of May 1737. Present the Kings most Excellent Majesty in Council.

Upon reading this day at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs dated the 5th of this Instant in the words following Viz^{t}

In Obedience to an Order in Council of the 28th of May 1736 referring to this Committee the humble Petition of Murray Crymble and James Huey of London Merchants in behalf of themselves and several others praying for a Grant of Lands upon the heads of the Pedee Cape Fear and Neus Rivers in North Carolina, and proposing to make a Settlement thereon of six thousand Swiss Palatines and other Foreign Protestants within the space of Ten years from the Date of their Grant, The Lords of the Committee have taken the said Petition into their consideration and have received the Opinion of the Lords Commissioners for Trade and Plantations thereupon and having been several times attended by the Petitioners do find that they are willing to undertake the Settlement upon the following Conditions—viz^{t}

That they be allowed one million two hundred thousand Acres of Land to be surveyed in twelve different parcells of one hundred thousand Acres each.

That these twelve parcells be laid out as contiguous as may be but none of them to be at any greater distance than ten miles from some other of them.

That these twelve parcells so surveyed be Granted by the Governour to the Petitioners and their Associates in such proportions as shall be required by them but no Grant to contain less than twelve thousand acres.

That the Petitioners and their associates do pay the usual Fees for surveying and passing the Grants of the said Tracts.

That all the Grants be made by the Governour immediately upon the return of the surveys to him and that they do bear equal date with each other.

That the commencement of the Quit Rent be computed from the expiration of Ten years from the date of such Grant which Quit Rent is to be four Shillings Proclamation Money for every hundred acres included in the said Grants.

That in case any Mines shall be found in the Land petitioned for one fifth part of all Gold and Silver Ore and one tenth part of the Ore of all other Mines and Minerals whatsoever be reserved to your Majesty.

The Lords of the Committee having considered the said Proposals do humbly report to your Majesty That althō the Quantity of Land proposed to be settled is very great amounting to the proportion of two hundred acres for each person to be settled thereon, yet their Lordships do not apprehend that any inconvenience can arrive from the granting the same to the Petitioners in regard the said Lands are scituated in the Extremity of the Province near to the Cherokee Mountains and at a very great Distance from the seat of Government and that there are several Millions of Acres of vacant Land between the said Land prayed for and the land already settled—That this Province being by its Scituation liable to the Excursions of the Indians, a settlement formed in this part will be of great service to the said Province, in protecting their Frontiers as well as encouraging the further settlement of the said vast Tracts of vacant Lands, that as the Petitioners have proposed to form the said settlement without any Expence to the Crown, and as the authority cultivating the said Lands will be a means of encreasing your Majesty's Quit Rents and likewise of improving the trade and extending the Settlement of the said Province. The Lords of the Committee are therefore of Opinion that this Undertaking will be very much for your Majesty's service and the Interest of the Province, and that it may be advisable for your Majesty to comply with the request of the Petitioners and to order your Governour of North Carolina to grant to them the Land prayed for upon the conditions aforementioned and to take care in the Grants to be made for this purpose that no part thereof be already granted to any other person, and that he do insert a clause in the said Grants to make the same void as to so much of the said lands as shall not be settled within the space of ten years according to the proportion of one White Person for each two hundred acres of Land Together with a provisoe that till such time as the Crown shall think fit to resume the said lands as forfeited for want of being settled within the said Term of Ten years. The Grantee [has] been obliged to pay the Quit Rent for the same.

His Majesty in Council taking the said Report into consideration was pleased to approve thereof and to order as it is hereby ordered that the Surveyor General of his Majesty's Lands in North Carolina or his Deputy do lay out and survey the said one million two hundred thousand acres of land upon the heads of the Pedee Cape Fear and Neus Rivers in the manner proposed by the above Report.

A true Copy. W. SHARPE.

To the Kings most Excellent Majesty in Council.

The humble Petition of Murray Crymble & James Huey of London Merchants on behalf of themselves and several others, Sheweth

That as there are large quantitys of Land in your Majesty's Province of North Carolina uncultivated and not claimed by any Person which might after a Settlement being formed thereon be improved greatly to the service of the Colony in the increase of their Trade and Navigation. And also much enlarge your Majesty's Revenue in the Quit Rents especially if undertaken by Persons of ability who are able and willing to carry through undertakings of this nature which must necessarily at their first outset be attended with great expence.

Your Petitioners therefore from a firm intention to disburse the Sums necessary for such an undertaking do humbly propose if your Majesty shall be pleased to grant them the liberty of settling Six thousand Protestants in the said Colony on the heads of Pedee River Cape Fear River and Neus River and so leading upwards towards the Mountains there your Petitioners are willing to Settle that number being allowed and permitted to take up after the Rate of two hundred acres for each person so engaged to be settled there within the term of ten years.

That if it should be your Majesty's pleasure to order that the Lands should be laid out in different Districts or Townships on which the Swiss Palatines and other Protestants of Germany are to be settled and that they should be intermixed so that neither the Swiss or Palatines should lye altogether on one Spot your Petitioners acquiesce in your Majestys Pleasure therein or are willing to leave it to your Majestys Governor there to lay out the Lands in such Districts as he shall think most for your Majesty's service.

And in regard to the great charge your Petitioners will be put to in this undertaking in transporting so many Persons and providing them with the necessary provisions for their support and building Houses for the receiving them and also in the surveying and laying out the Lands which will amount to several thousand Pounds sterling.

Your Petitioners humbly hope your Majesty will think them deserving of Encouragement and that your Majesty will be graciously pleased to grant them the liberty aforesaid and that the Lands should with all convenient speed be laid out for the reception of the said Persons so engaged to be settled And that your Majesty will also be pleased to recommend it to your Governor there that none of your Majestys Officers should exact greater Fees upon the laying out the said Lands than are now allowed by the Laws of the Colony and to be paid according to

the usuage of the Country And that your Majesty's Governor should pass the said grants with a Clause exempting the same from Quit Rents for the space of Ten Years.

And your Petitioners shall ever pray etc

MURRAY CRYMBLE
JAMES HUEY

Recd: June 9th 1736

What is proposed by Murray Crymble James Huey and their Associates in the Settlement of the Land petitioned for

1st. After the lands are laid out we intend to send over several Workmen to build houses for the reception of such forreign Protestants as are to be sent over, according to the Undertaking in the Petition.

2dly. We intend to lay out the land in several townships in such manner and at such distances as his Majesty or his Governour in North Carolina shall please to direct, after that is done we propose to supply the people that go over with provisions for the first year, and also to provide them with Necessary Materials for labour, being sensible that any engagement of that nature must miscarry if the first undertakers don't put themselves to a proper expence for the support of the poor Protestants that go over.

3dly. We propose at our own expence to pay the charge of surveying and running out the lands which will amount to upwards of thirty five shillings sterling ℔ thousand acres. But after the lands are laid out it is to be hoped we shall be indulged to lay them out, by our own surveyours into such small tracts as shall appear necessary to the Undertaker in forming the Settlement.

4thly. After the Settlement is compleated we designe to cultivate large tracts of the aforesaid lands if granted for the use of the parties concerned in this undertaking, and to put thereon several thousands of servants and slaves besides those we are engaged to settle.

If we are permitted to carry on the Settlement in the manner we propose it will greatly encrease his Majestys revenue in the quit rents and improve the trade and navigation of the Colonies, which, in time will make it of great service to its Mother Country in raising Naval Stores, and in the production of several other usefull Commodities. And as the heads of Pedee River and Cape Fear River are the only places where the Jerankee and Calanbos Indians or any other Indians whatsoever, that lye between them and the head of the Messisippee, can enter into the Province of North Carolina, a settlement properly formed there will be a good barrier and a great Inducement to the farther settlement of the Colonie. Recd 16th August 1736.

Friday 17th Septr 1736.

[To the Board of Trade,]

As your Lordships informed us, that you had Proposals before you from persons of Credit, they desired to be admitted to take up large Tracts of land in South Carolina, which they were willing to pay the usual Quit Rents for from the date of the Grants, upon which your Lordships desired us to consider of that affair, and give your Lordships our answer, whether or no we were willing to take up the Lands according to the proposall in our Petition, and to pay the usuall Quit Rents for them from the date of our Grant. In answer to this we humbly conceive, that no person whatsoever, that is a Judge of the charge attending so large a settlement as we have proposed, can do it without being great sufferers by it; to explain ourselves the more fully to your Lordships we beg leave to lay a state of the case before you, to shew your Lordships what the necessary expence attending such a settlement must be, if properly executed, which is as follows.

The charge of bringing down 6000 Swiss, or Palatines to Rotterdam, at 20 shillings ℔ head is	£ 6000
Freight from Rotterdam, to Carolina at £5. each	30000
To provide them with provisions for the first year, and necessary materials to work with, £4 ℔ head	24000
The charge attending the survey & passing the Grants	2100
	62100

The whole charge of forming the settlement, as appears by the above Account, amounts to £62100 and as a settlement of this nature cannot well be finished in less than Ten years, the undertakers can propose no service to themselves during that time therefore it would be laying them under insurmountable difficultys to make them subject to pay four shillings proclimation money ℔ 100 Acres during that terme, which would amount to £1800 sterling ℔ annum; and thō the Settlers, who are generally poor people, are obliged to be answerable for these advances to the Undertakers, yet as the whole depends on their success, it must be allowed to be very precarious.

The lands petitioned for, is at a great distance from any settlement, and will greatly improve those lands that lye near the present Inhabitants which will make others desireous to take them up, after a proper Barrier is formed, and it is pretty evident to us, that they will be greater gainers, in paying the Quit Rents immediately on smaller tracts within our Settlement (if we are admitted to take up the lands we have petitioned for) than we who are the first undertakers, are in having an exemption from Quit Rents for 10 years, for all who have been acquainted

with settlements of this nature do agree, that the expence is more than double, to such as undertake them at first to what it is to others that come after, for after a proper Barrier is formed, those who may have Grants of Lands under the first settlers, can easily engage such as come thereof themselves, to settle and cultivate them; therefore the advantage that the Crown will receive from the increase of the Quit Rents in the encouragement of Frontier Settlements, we hope will appear in a very full light to your Lordships, particularly in our case, where there are not less than eight millions of Acres of Lands to be taken up, between the place where we have desired the liberty of taking up our lands, and the present settlement, most of which we are of Opinion, the Crown will dispose of on much better termes, and much sooner, than if there was no settlement formed there.

We beg leave also to observe to your Lordships, that North Carolina hitherto has been very inconsiderable in trade, their exports not amounting to £8000 sterling ℔ annum; when at the same time, the export of South Carolina is above £116000 sterling yearly, which we apprehend is only owing to their want of having industrious Settlers amongst them.

As to the Petition for Lands in South Carolina, that lyes at present before your Lordships, we are not fully acquainted with the nature of the proposall, so we cannot properly say whether that, or ours, is the most advantageous, but if it should prove to be what some time agoe we was informed Two or three Gentlemen intended to apply for, it is pretty easie to be accounted for, how the undertakers may with great advantage pay the Quit Rents from the Date of their Grants, the Proposal that we had notice of, that we intended to be laid before your Lordships, was for a Tract of 12000 Acres of land upon Winyaw River and another Tract of 12000 Acres on the River May.

Winyaw lies at a distance of about 85 miles from Charles Town South Carolina and that River is the entrance of Pedee Wackamorn, and Black Rivers, there is at present settled at Winyaw, about 2500 people besides severall ships with passengers that are gone this summer to Charles Town South Carolina, where there are settlements run out for them at the head of that River, almost joyning to the Line which is run between South and North Carolina which is not above 50 or 60 miles up from Winyaw the number gone is as follows.

In the William and Mary of Liverpool from Belfast 350 Passengers and in the Oliver Cap^{t} Walker belonging of Mess^{rs} Hopes of Rotterdam 360 Palatines & another small ship called the Catherine, with about 176 Passengers all which are to be settled under the line that divides South and North Carolina, upon Winyaw River besides which there was a town-

ship run out above Two years agoe for a considerable number of poor protestants that came into South Carolina, and are since fixed there.

What we want to prove to your Lordships is that the lands to be granted out upon Winyaw River are a great way within the settlements, and that they have also a proper navigation which makes the other proposall, if it is what we imagine it to be, very different from ours, and it is also to be remarked that those settlements upon Winyaw lye a great way within the Tract of Lands that we have petitioned for upon the head of Pedee River.

We are now to beg leave to lay before your Lordships an account of the Situation and settlements on the River May; that River lyes about 120 miles from Charles Town, and about 20 miles from Port Royall which is the finest Harbour in that Province, the lands upon the River May are mostly taken up there are large tracts in the possession of Peter Colleton Esq^re^, Robert Wright Esq^re^, Captain Anson, Captain Gascoyne, M^r^ Walters, M^r^ Murfey, M^r^ Thorpe, M^r^ Hunter and many others who have large possessions there, besides a great number of poor People, who have small tracts of lands there, and have long settled them (but as we are informed cannot shew a regular Title) the lands in general have been very valuable upon that River, which upon the whole we humbly conceive will make it appear to your Lordships that the situation of the place is such as will render it of great advantage to the undertakers to pay the Quit Rents from the date of the Grant; the River May does not go above 30 or 40 miles into the Country, is mostly run out, and lyes a great way within the settlements of Purisburg and Georgia. We are fully able to prove what we have here asserted if your Lordships are pleased to order us so to do and if your Lordships think it expedient to give grants of this nature, there is a Gentleman at present here who came lately from South Carolina (from whom we had a great part of this Information) who is willing to take up Two Tracts of land of 12000 Acres each upon Winyaw and the River May and to settle them, and as a security for his so doing, is willing to advance the Quit Rents of four shillings Proclimation Money ℔ 100 Acres for 10 years, which will amount to about £360 sterling and to pay the same immediately upon passing the Grants into his Majesty's Treasury here.

24^th^ Sep^r^ 1736.

[To the Board of Trade,]

The last time I was admitted to attend your Lordships you desired me to let you know if we were willing to engage to pay his Majesties Quit Rents here after the Expiration of ten years from the date of the

Grant. I have since consulted with some of the Gentlemen concerned with me and we are of Opinion that it is a thing that cannot be done, particularly in so large an undertaking as that of ours is, the difficultys are many that would attend this method of proceeding some of which we begg leave to lay before your Lordships.

1st We are oblidged by vertue of our Grant should it pass to settle six thousand Protestants, they are to pay the Quit Rents to the Crown in the same method as practiced by the Colonys and will hold thys lands by that tenure, but should the undertakers engage to pay the Quit Rents, and that thys should be only a private covenant between them and their Tenants, in that case we apprehend we should be under a necessity to take out seperate Actions against every person that neglected to pay his Quit Rents, there are particular Laws in the Colonys to inforce the payment of the Quit Rents to the Crown but in our case it would be considered only as a common Debt, the Crown has Officers appointed for the Collection of the Quit Rents and his Majesty's Governour is to direct them affairs but were we to undertake the payment of the Quit Rents into his Majesty's Treasury we can have no relieff but at an Infinite charge

The charge of the Survey will amount to	£2100
The charge of marking out the severall Disvisions will amount to	£2400
	£4500

Therefore as we shall be oblidged to advance so much money immediately, it is hoped that our so doing will be look't upon as a Security, and that we are determined to carry on the Settlement in a proper manner.

Memorandum from Mr Huey containing Some Proposals for making his Settlement in North Carolina.

When we had the honour to attend your Lordships, we proposed that Murray Crymble, James Huey and each of their Associates should (after the whole of the lands are Surveyed) have seperate Grants for their respective shares, but at the same time that no Grant should be given for a less quantity than 12000 Acres Our reasons for desireing this from your Lordships is that if we were only to have one General Grant for the whole of the Lands to be run out and that some of the partys should settle and cultivate their respective shares according to the undertakeing in the Petition and others should not, that in such case we are of Opinion those that have settled might be subject to the Forfeiture of part of their Lands and we apprehend at the same time that they would be lyable

to pay the Quit Rents of the whole and it would have this farther inconveniency that such of the poor people who are to go and settle there could not have a proper Title made out to them for in case the settlement was not compleated those that were settled would be subject to the Quit Rents of the whole, this objection has been made to us allready by people who we are upon termes with and we are satisfyed if your Lordships do not indulge us in this particular it will be out of our power to form the settlement according to the undertakeing in our Petition, therefore what we beg leave to propose to your Lordships is, that we may have seperate Grants given us, and that such as do not settle the numbers they engage according to the undertakeing in the petition should forfeit such part as they have not settled or if it should be his Majesty's pleasure not to grant the lands but upon condition that the whole should be forfeited, in case the settlement is not compleated, we are ready to acquiesce therein.

We have mentioned to some of the other Gentlemen concerned what your Lordships proposed to us about our takeing up the Lands in one Entire Tract, which they are not willing to agree to as the Lands in that case must be first survey'd into one intire Tract and afterwards resurveyed into different parcelles, which by the Laws of the Colony, will entitle the surveyor to double Fees, and we are also apprehensive that method might occasion disputes amongst ourselves, to avoid these inconveniences we beg leave humbly to propose to your Lordships that we may be admitted to take up the Lands in different Tracts, but at the same time no less quantity than 50000 Acres should be run out in one place this indulgence has been granted to others in a more favourable manner than what we desire besides it has always been the practice of the Colonys to run out the Lands in small tracts, and such as have had Grants here from the Crown, have allways been admitted to take up Lands in the manner we propose to take up ours and in much smaller parcells we humbly conceive that no persons hitherto have offered more advantageous terms to the Crown, therefore hope there is nothing particular in our case to exclude us from the like favours and 'tis our Opinion that the Crown can be no sufferer from this as there is very little Swampy lands within 70 or 80 miles from the Mountains and it appears pretty evident to us that it will be more for the service of the Colony to have the Lands run out in the several divisions under the Restrictions we have before mentioned than it would be to have the lands all run out in one Tract for in that case such Forreigners that settle there would retain their Language and their children would not have the Opportunitys of learning to speak English which would allways make

them consider themselves as a distinct people; the charges attending this settlement will be very great therefore we submit it to your Lordships whether or no we do not deserve suitable encouragement particularly as we desire nothing from the Crown but what we are satisfied your Lordships would grant in a private capacity; for instance should any of your Lordships employ us to improve your Estates, we doubt not but at the same time your Lordships would make us a reasonable allowance for our expence and trouble in so doing. We beg leave also to obviate the objection your Lordships made against our desireing that we should only forfeit such part of the lands as were not settled according to the undertaking in our Petition, if we understood your Lordships right you apprehend that we should settle the best of the Lands first therefore if the whole of the settlement was not made the Lands that would revert to the Crown would be of the worst quality. We can assure your Lordships with great Justice that would not be the case as it is our Interest to give the worst of the Lands to the first settlers for thō we put ourselves to great charge in settling them we have no manner of service by it (further than to ascertain our Titles) as we give the Lands to the people upon the very same terms as we have them from the Crown, from which it will appear clear to your Lordships that it is our Interest to reserve the best of the lands unsettled, as that is the only benefit we are to have to answer our Expences.

That it be measur'd out in fifty thousand Acres Tracts in one parcell, and with Liberty to have power to have that fifty Thousand Acres and seperet grants for each of these divisions. JAMES HUEY.

Rec^{d} Novemb: 17th 1736.

My Lords [of the Board of Trade]

Being informed that the Right Honourable The Lords of the Committee of Council have referred to your Lordships consideration the following points viz^{t} First, what shares or proportion may be proper to be reserved to the Crown, out of any Reegal or other Mines that may happen to be discovered, within the Land. We have humbly prayed a Grant of in the Province of North Carolina. And Secondly to consider any new Proposals that we had to offer touching the manner and respective times of our making the settlement proposed.

We therefore take leave to acquaint your Lordships that as to the first point, we are willing, and ready to submitt to a Reservation of one fifth part of all Gold and Silver Ore, and to one tenth of the Ore of all other Mines, and minerals whatsoever that shall be found within the Lands we have petitioned for, and as to the other point, we humbly conceive that

we have allready laid before your Lordships the manner and nature of the settlement which we propose to make, we take leave to assure your Lordships that we cannot think of any other manner in which we can possibly undertake the same, as to the respective times, within which we are to compleat it. If by that is meant the number of people which we are to transport thither every year we must inform your Lordships that it is utterly out of our power to ascertain that number from the many accidents that may occur and therefore cannot pretend to tye ourselves down to any certain number, otherways than in the Gross to transport thither Six Thousand people within the space of ten years.

The difficulty in settling the First and Second Embarcation will be very great and perhaps much more so than the settling all the rest but if we could declare ourselves more particularly upon this head We apprehend it can be of no service in the Crown and may prove very prejudicial to us espetially if it was to be made a condition in the order for our Grant for as we must be obliged to show the same to the Persons whom we are to carry thither to evince them of the Title we have to the lands they would by that means perceive of what consequence they were to us and this might occasion their raising their Terms against us and so put it out of our power to carry on this undertaking with advantage to ourselves.

As a proof that our Intention is to settle the whole of the Lands prayed for, we do not desire to make the least benefit of any part thereof, till the whole is surveyed and marked out and as that will be attended with an Expence of about Five Thousand Pounds we hope it will be looked upon as a security for our compleating the settlement.

We have nothing further to offer to your Lordships upon this point save only to observe that as it is our interest to compleat this settlement so it is not to be doubted but we shall carry it on with all Expedition possible.

Which is most humbly submitted to your Lordships by

My Lords yours, &c., For Self & Associates

MURRAY CRYMBLE

[From North Carolina Letter Book of S. P. G.]

So. Carolina Charlestown Sep^{t} 6th 1737

My Lord [Bishop of London]

I have lately rec^{d} a letter from his excellency the Governor of N. Carolina of which the following is a paragraph concerning the ill behaviour of M^{r} Boyd the Hon^{ble} Society's missionary in that Colony.

After having expressed much concern that no farther assistance was to be expected from the hon^ble^ Society towards the propagating of religion in that Colony than the one Missionary, already there, His excellency subjoins concerning him and says, "But what makes the matter still worse is that this very missionary is one of the vilest and most scandalous persons in the government. I gave you some hints of his Idleness and inclination to drunkenness, when I had the pleasure of seeing you at Edenton; but since that time I have heard such accounts of his behaviour as are really shocking, particularly that on a Sunday, this spring, at noon day he was seen by many persons lying dead drunk (& fast asleep) on the great road to Virginia, with his horses bridle tied to his leg this I have been assured of by several persons of the best credit As he is under your inspection I hope you will take some notice of such horrid practices." I have also rec^d^ a letter, on the same subject, from another very worthy gentleman a member of his Majesty's council & collector of his Quit rents in that province. Concerning M^r^ Boyd he saith "Whose life and conversation would be scandalous in a Layman, much more so in one of his function. Drunkenness in a most open manner is his frequent practice, & I was told by the chief Justice when I was last at Edenton, that he was found one Sunday in that condition fast asleep, on the road nigh the town in short he is I think a man in all respects of as bad principles as any I have ever seen, considering his education; from whence you will form a judgement how the interest of religion is carried on under his ministry."

I am so far from the least doubt of the truth of the above informations, that they would have met with entire credit from me, had they come from persons of much less Known Honor & integrity than they do. For when, about 2 years ago, I came thrō that province, in my way from N England to So Carolina, I had such intimations given me, not only by the Governor, but the people of Berty county in general of M^r^ Boyds ill behaviour, with respect to drunkenness & neglect of duty, that I should certainly have then made a legal enquiry into it, but that neither had I my commission with me, nor could I spare so much time (the winter at hand and at that distance from home) as would have been necessary for that purpose. And as tis now impracticable for me to leave my charge, & go to Edenton (distance from hence about 400 miles) to make such enquiry; All I can do in the case is, thus to transmit it, in the best light I can to the hon^ble^ Society, not without hopes, that they will soon decide upon it, to discharge that unworthy Missionary from their service, or rather from adding to the real disservice he has already done them.

The Governor & Council of that colony have it much at heart, to obtain a Legal Establishment of a competent maintainance for the Clergy;

but the unhappy discord, subsisting twixt them & the commons House of Assembly, about civil concerns, has hitherto obstructed it, meantime they think that the pension of £80 per ann allowed Boyd, by the hon^{ble} Society, would be applyed to the best advantage, if £25 a piece were given to the two Clergymen at Bath town & New Berne, who are in great poverty; & the remaining £30 to some sober clergyman, to be sent over to Bladen Precinct, where the Governor is settled, & where he assures me his neighbourhood are well disposed to join with him, for making it up a handsome maintainance.

I humbly crave your L^{d}ships blessing, & am, My Lord,

A. GARDEN.

[B. P. R. O. North Carolina. B. T. Vol. 10. B. 32.]

Sir, [the Secretary of the Board of Trade]

I am sorry there is nothing done with regard to the Blank Patents, it being impossible to go on with Publick Business here till their fate is determined one way or the other. For my part I dare not give up so much of the only Revenue the King has here, and the Fund from whence the Officers Sallaries are paid without Orders or at least a Permission from home, so if the Attorneys Opinion should not come these seven years (this is now the third year that it has been lying before him, and the fifth year that the other Question relating to our Laws) for anything I can see all our Affairs must remain in suspence until then, this I have hinted at more than once already. I would thank you heartily for the Copy of M^{r} Burrington's answer if I had not seen it above in Print sixteen months ago when it was dispersed thrō the Province as a Masterpiece infinitely esteemed by the Board of Trade and by them referred to the Attorney General which last indeed I never did believe until you was pleased to inform me of it. I am sure that paper with some others sent over by the said Person have done a vast deal of mischief and emboldened the Lower House of Assembly to order the Officers who were collecting the Quitt rents into Custody during the time of Collection for which attempt I was oblidged to dissolve them as I wrote you from Newbern last March, M^{r} Burrington holds upwards of Fifty Thousand Acres of Land for these Patents and by what I can find since my arrival here never gave himself the Trouble to consider the Validity of them, or anything else relating to the Revenue. I have no remarks to make upon his Paper for I dont find anything in it which invalidates any Proposition

advanced in my representation. There are indeed some low Jokes and personal reflections scattered up and down, but as I find that Gentleman has upon another occasion made at least equally free with the Lords of Trade themselves I think I have no occasion to complain.

The only thing I shall take notice of in M^{r} Burrington's Paper is of the Patents which were issued for the payment of those Gentlemen who run the Boundary line betwixt this Province and Virginia the lands claimed by these Patents do not in all amount to 100,000 acres but upon this Pretence there have been Patents sold for upwards of 400,000 acres and every days experience convinces me, that some people have still a good stock of them in their custody which they can fill up as they please and lay upon anybodys land they think proper which I am affraid will be a fresh occasion of perpetuating the disorders of this unhappy Country if they are confirmed. Tho my opinion which I formerly offered to their Lordships on this subject does not seem to be much approved by them I can't help proposing one Expedient more which appears to me exceedingly fair and that is to allow all those Patents which were issued for payment of the charges in running the Line amounting betwixt ninety and one hundred thousand acres at the rents reserved in the said Patents and the Attorney General here have orders to vacate all those I proposed to be declared Null and Void in my Letter of last November in his Majesty's Court of Exchequer, by this there will be no occasion to trouble his Majesty in Council the Revenue will not suffer a great deal and every one who possesses these Patents will have a fair opportunity of defending them or if they please to resign them they may hold the same lands at 4^{s} per hundred acres. If this wont do I despair of being able to offer anything which will less hurt the Crown and at the same time be favourable to these People, and I think it may be put into Execution without loss of time or waiting for any opinion of the Attorney General there not being the least Pretence for Justice issueing any other Patents before his Majestys Purchase. Upon the whole all I beg is only Directions about this troublesome affair which I shall most punctually obey. I look upon that part of your answer relating to the Quitt rents as an absolute Prohibition to receive Quitt rents in any Commodities and shall observe it accordingly, what has been already paid of the arrears was received mostly in current Bills of this Province at the Exchange of seven for one ster: money. Tho indeed in Virginia and other places where they Trade they pass generally at 9 to 10 for one, but as there was a good arrear due it was thought proper for the ease of the people to take it at 7 which was a great loss to me and all the Officers whose sallaries are paid out of the Quitt Rents for with £7 Currency which we received for one

pound sterling we cannot purchase Goods to the Value of Fourteen shillings sterling but we chearfully submitted to this loss (about 30 per cent of our Salaries) in order to reconcile the people to the payment of their Rents a thing quite new to them by the negligence of former Governors.

By the Law which establishes the currency these Bills were ordered to pass as they pretend at 5 for 1 sterling but as they have in reality always passed at 10 and it was a favour to receive his Majesty's rents in current Bills at all we declared we would not receive them at less than 7. for 1. and as their value is not advanced I am of opinion it will be necessary to fix the exchange higher for the future.

I must not ommitt to inform my Lords of Trade by you that at last General Court at Edenton a man was imprisoned for insulting the Marshall in the Execution of his Office during the sitting of the Court The People of the Precincts of Bertie and Edgecombe which lye next Virginia believing he was called in question about his Quitt rents rose in arms to the number of 500 and came within five miles of the Town in order to rescue him by violence. Cursing his Majesty and uttering a great many rebellious speeches. The fellow thought proper to pay his fine and beg pardon of the Court before they came so near the Town and by this means no mischief ensued but they threatened the most cruel usage to such persons as durst come to demand any quitt rents of them for the future. It is only in these two Precincts that the people have dared to get together in a Body and how to quell them I cannot tell if they should attempt an insurrection against next collection. I have suggested something to M^{r} McCulloh which without much Trouble might do great Service in this case if my Lords please to pay any regard to it and it be done speedily. I shall take care in all Events to do my Duty. I have sent M^{r} McCulloh for their Lordships Inspection part of a Crop of Silk I made truely and Bona Fide on my own Plantation this year. I was oblidged to feed the Worms mostly with wild Mulberries but next year some hundreds of my Italian Mulberries will be in bearing and I dont doubt to make finer thō this is reckoned not at all amiss for a beginning. I have at last gott from the Commissioners an account of their Charges in running the Boundary Line with a Draft of so much of it as is already done which I send to you for their Lordships use by this Conveyance. I hope my Lords of Trade will be so good as to take the other points I mentioned in mine of the 15th Oct^{r} and Nov^{r} 29th 1736 into their consideration very soon I have often suggested that this Province has never been regularly settled and that a few vigorous Declarations from the Board of Trade would have a very great Effect the people seem here to be persuaded that they may do what they please and that they are below the

notice of the King and his ministers which makes them highly insolent they never were of any service to the Lords Proprietors and if something is not speedily done to convince them that his Majesty will not be so used I am afraid they will be of as little profit to the Crown

I am, Sir, &c., GAB: JOHNSTON.

Cape Fear Oct^{r} 6th 1737.

P. S.—I have been lately informed that M^{r} Moseley has several of M^{r} Little's the Receiver General under the Lords Proprietors accounts in his Custody upon which I ordered M^{r} Allen to demand them of him but he positive[ly] refused to give them up, thō they are office papers alledging that he was accountable for them to Little's Executors.

P. S.—M^{r} Moseley has refused to deliver the Papers relating to the Revenue that he has of the late Receiver Generals.

[B. P. R. O. B. T. JOURNALS. VOL. 47. P. 15.]

BOARD OF TRADE JOURNALS.

Wednesday January 25th 173$\frac{6}{7}$

Present Earl Fitz-Walter

Col. Bladen.	M^{r} Brudenel.	M^{r} Plumer
M^{r} Ashe.	Sir A. Crofte.	M^{r} Pelham
	Sir O. Bridgeman.	

The Board taking again into consideration the letter from M^{r} Johnston Gov^{r} of North Carolina dated the 15th of Oct^{r} and read the 17th of Dec^{r} last and M^{r} M^{c}Culloh his Agent attending the Board had some conversation with him upon the several matters mentioned in the above letter and gave directions for sending the Biennial law mentioned in the said letter to M^{r} Fane for his opinion thereupon in point of law and to reconsider this letter tomorrow se'nnight.

[Page 27.]

Thursday February 10th 173$\frac{6}{7}$.

Letter from M^{r} M^{c}Culloh Agent for North Carolina relating to several points contained in the Gov$^{r's}$ letter read and some directions were given for preparing the Draft of an Answer to the Gov$^{r's}$ aforesaid letter

[Page 43.]

Friday, March 11th 173$\frac{6}{7}$.

A Memorial from M^{r} Ocks concerning the Swiss settling in America but particularly in North Carolina was read and

An Answer from Mr Jenner & his friends who proposed to settle a Colony of Swiss in North Carolina containing some terms upon which they are willing to settle (recd from Mr Ocks) was read And the Board desired Lord Fitz-Walter to mention these two papers to the Lords of the Committee when the Board's Report of the 7th May 1736 shall be taken into consideration at the Committee it appearing by these papers that the Swiss do not agree to the terms therein proposed tho' agreed to by the said Jenner when the Report was made.

[Page 63.]

Thursday April 7th 1737.

An Order of the Committee of Council directing the Board to receive further proposals from Messrs. Crimble & Huey with regard to their settling the Land petitioned for by them upon which the Board reported the 24th Novr last and with regard to the share in all mines to be reserved to the Crown was read, And

Mr Crimble attending he presented to the Board a paper containing his further Proposals upon the subject above-mentioned which were read And orders were given for preparing the Draft of a Report for inclosing a copy thereof to the Lords of the Committee

[Page 64.]

Tuesday April 19th 1737.

Mr McCulloh Agent for the Govr of North Carolina desired their Lordships would please to consider the Biennial Law of that Province and lay the same before his Majesty to be repealed

Their Lordships then read & considered Mr Fane's Report against the said Law and gave directions for preparing the draft of a Report for repealing the same.

The Draught of a Report upon the Order of the Committee of Council read the 7th inst. directing the Board to receive further proposals from Messrs. Crymble & Huey with regard to their settlement proposed in North Carolina was agreed to and ordered to be transcribed

[Page 66.]

Wednesday April 20th 1737.

Draft of a Report ordered yesterday to be prepared for repealing the Biennial Law was agreed to and signed.

The Report to the Lords of the Committee for inclosing the further proposals from Messrs. Crimble & Huey relating to their proposed settlement in North Carolina and to a reservation of a certain proportion of mines &c. was agreed to & signed.

[Page 69.]

Friday April 22nd 1737.

Letter from Mr Johnston Governr of North Carolina dated 29 Nov. 1736 relating to Quit Rents, Blank Patents &c. was read And the Draft of a letter to Mr Johnston was agreed and ordered to be sent.

[Page 120.]

Wednesday June 8th 1737.

Mr John Crawford attending in behalf of Mr Skeene and Abercromby whose petition was read the 24th ultº praying for some allowance in consideration of their having run out the bounds between South and North Carolina and desiring the Board would please to consider the same Mr Abercromby one of the petitioners being very ill in Scotland and not able to attend the Board Their Lordships took the said petition into their consideration & gave directions for preparing the Draft of a Ressn thereupon

[Page 150.]

Friday July 8th 1737.

Two Copies of Orders in Council of 19th May last approving the proposals made by Messrs Crimble & Huey for settling a tract of land in North Carolina & ordering the said Tract to be laid out and surveyed were read.

[Page 176.]

Wednesday Septr 7th 1737.

Letter from Mr Allen Receiver of the Quit Rents in North Carolina complaining of obstructions in the receipt of the Quit rents was read and Ordered that Mr Le Hemp Deputy to Mr Walpole Auditor of the Revenue in the Plantations be desired to attend the Board on this subject on Wednesday next

[Page 178.]

Wednesday Septr 14th 1737.

Copy of an Order in Council for repealing the Biennial Law of North Carolina was read.

[Page 181.]

Wednesday Septr 21st 1737.

Letter from Mr Johnston Govr of North Carolina dated the 30th of April last was read.

[From the MSS. Records of North Carolina Council Journals.]

COUNCIL JOURNALS.

At a Council held at Newton the 1st day of March 173$\frac{6}{7}$.

Present His Excellency the Governor.

The Honōble { Nath Rice, Math Rowan, Richd Halton } Esqrs Members of his Majesty's Council

The Assembly having been prorogued to this Day and a sufficient number to make a House of Burgesses or upper House not appearing His Excellency was pleased by and with the advice and consent of His Majestys Council further to prorogue the same to Thursday the 3d Instant.

At a Council held at Newbern the 3d March 173$\frac{6}{7}$

Present His Excellency the Governour

The Honōble { Nath Rice, Math Rowan, Robt Halton, Edwd Moseley } Esqrs Members of His Majestys Council

His Excellency communicated a Ler from the Govr of So Carolina advising of the preparations of the Spaniards to invade Georgia and desiring that proper Precautions might be taken here to prevent their being supplyed with provisions from this Province and His Excellency desiring the Council's advice thereon they are of opinion the same should be laid before the Assembly

The 4th of March Present His Excellency the Governour The Honōble Will Smith Esqr President

The Honōble { Nath Rice, Math Rowan, Robt Halton, Edwd Moseley } Esqrs Members of His Majestys Council

His Excellency having commanded the Attendance of the lower House they accordingly presented themselves at the Council Chamber where his Excellency delivered the following speech to both Houses Vizt

Gentlemen of the Council Mr Speaker and Gentlemen of the House of Burgesses

It is so short a time since I laid the miserable state of your public Affairs before you that I flatter myself I have no occasion to remind you of them at present I shall only therefore once more assure you that if you are disposed to take any measures for maintaining and establishing the public Worship of Almighty God making any provision for the Education of Youth or the Reformation and better execution of your Laws I

am come with a most sincere Intention of concurring with you in promoting such valuable Ends or in any other Law which may be proposed for the real advantage of the province

I recommend it to you in a particular manner to appropriate the powder money.

As this Revenue is levied upon shipping and there are no Ports in the Country in my opinion the most just and natural way is to apply it to the Improvement of the navigation of such Ports where the same is collected. This will be highly necessary if ever any public encouragement is given in this Colony (as it is in all the neighbouring Ones) to raise comodities which are of value at home and by so doing relieve the people from paying such excessive prices for European Goods as they do at present. It is possible some future Assembly may mind the true Interests of their Country more than vain unnecessary Disputes and if you will do nothing else Gentlemen I think you ought to pave the way for such an Assembly.

I have received Intelligence by an express from the Governour of South Carolina that there is an Armament of Spanish Ships of War and Troops preparing at the Havand to be sent to St Augustine and from thence to attack the new colony of Georgia and the Province of South Carolina and that they were taking all the necessary Precautions to put the Country in the best posture of Defence upon such an occasion Gent[n] [I] think the least you can do is to make a more effectual Law than the present is for raising the Militia that you may be able if there should be occasion for it to Defend yourselves and show your gratitude to his Majestys subjects in that Province who came so generously and so seasonably to your Relief when in the Extremity of Distress.

The season of the year and many other circumstances may easily convince you that this can be no long Session I therefore expect you will loose no time in Dispatching the public Business.

The Lower House of Assembly having Ordered His Majestys Officers into Custody for distraining for his Majesty's Quit Rents to discourage and put a stop to such pernicious practices derogatory to the Crown and subversive of Order and good Government His Excellency thought fit by and with the advice and consent of his Majesty's Council to dissolve this Assembly and accordingly tis Ordered a Proclamation be forthwith published declaring this present Assembly to be dissolved for the aforesaid Reasons.

At a Council held at Newbern the 7th March 1736 [1737]

Present His Excellency the Governour

The Honōble { Will Smith, Mathew Rowan, Nath Rice, Edward Moseley, Rob Halton } Esqrs Members of His Majestys Council

Read the Petition of George Bullock eldest son of Tristram Bullock deceased praying a Patent for 300 Acres in Onslow precinct joining Grant's Plantation for which the said Tristram had a Warrant which was opposed by Mr Starkey who informed the Board that the said Tristram in his Life time had often told him the said Starkey that he intended the said land for his Son Jeremiah Bullock to which being sworn—

Ordered that a Patent issue to the said Jeremiah son of the said Tristram Bullock.

Read the Petitions of sundry Persons for Patents as follows vizt

George Kernegees 200 Craven, Adam Moor 150 Craven, Wm Wilson 400 Craven, William Herritage 293 Craven, George Stronger 640 Dº, George Roberts 461 Dº, Dº 160 Dº, Mary Trotter 995 Dº, Daniel Shine 200 Dº, Jno Cox 320 N. Hanover, Kath Miller 640 Craven, Jacob Simmonds 250 N. Hanover, Joseph Inson 300 Dº, Roger Moore Esqr 1000 Dº, Richard Eagles 800 Dº, Jno Simmonds 250 N. Hanover, Wm Farmer 367 Craven, John Fonville 640 Dº, Alexr Grant 640 Onslow, Stephen Howard 640 Dº, Carry Godbee 200 Carteret, Richd Price 640 N. Hanover, John Dalzil 200 Bladen, Thos Hodges 120 Dº, Richd Elliot 200 Craven, Andrew Bass 100 Dº, Edwd Lowl 507 Onslow, Edward Howard 640 Dº, Thos Murphy Junr 300 Craven

Ordered that Patents issue accordingly.

Read the Petition [of] Thomas Smith setting forth that he had purchased a Plantation at Turkey Quarter near Neuse River on which a house was Built and other improvements made that James Green obtained a Warrant for three hundred and five acres near the said Plantation that the Surveyor first executed Mr Greens Warrant and in such manner as to include your petitioners Land in the Survey althō there was vacant Land sufficient that Greens survey contains near 500 acres.

Therefore your petitioner prays an order to resurvey Mr Greens land and that the surplus be granted to your Petitioner.

Ordered that the Surveyor General or his Deputy resurvey the aforesaid Land and return his doings therein to this Board.

Read the petition of James Keith praying a patent for 500 Acres of land on the Nº side of Nuse River in Craven precinct Andrew Bass opposed the said Petitions having a Warrant which had been surveyed

the Lines of which Survey Intersected the others and it so appearing to this Board by the two platts

Ordered that both tracts be resurveyed and that the Surveyor carefully observe the Kings Instructions in doing the same and that he make return thereof into the Secretary's Office

At a Council held at Newbern the 8th day of March 1736 [1737]

Present His Excellency the Governour.

The Honōble { Will Smith, Robt Halton, Nath Rice, Math Rowan, Edwd Moseley } Esqrs Members of his Majestys Council

Read the following Petitions for Patents which are granted Vizt

Henry Bishop 500 N. Hanover, Wm Heritage 326 Craven, Geo Taylor 236 Do, Jere Murphy 264 Do, Maurice Moore 600 N. Hanover, Nath Rice 640 N. Hanover, Henry Stanton 320 Carteret, Wm Shewbridge 640 Onslow, David Evans 640 N. Hanover, Nichs Bryant 372 Carteret

Ordered that Patents issue accordingly

At a Council held at Newbern the 9th March 1736 [1737]

Present His Excellency the Governour

The Honōble { Wm Smith, Math Rowan, Nath Rice, Edwd Moseley, Robt Halton } Esqrs Members of His Majestys Council

Read the following Petitions for Patents Vizt

Frederic Isler 260 Craven, John Dunning 150 Bertie, John Simmons 640 Craven, John Hill 200 Ditto, James Derham 400, Wm Maxwell 590 Craven, Philip Trapnel 250 Ditto, Martin Franks 640 Ditto, Do 640 Ditto, Richard Dunn 80 Bladen, Wm Powers in his petns 320 Ditto, Francis Stringer 640 Craven, Magdalen Campbel 640 Bladen, Wm Grace 250 Bladen, Orlando Champion 120 Chowan, John Anderson 640 N. Hanover, Randolph Fisher, 180 Craven, Martin Franks 3000 Ditto, Ditto 1000 Ditto, Ditto 882 Ditto, John Wiggins 300 Ditto, Eleazer Allen 320 N. Hanover

Ordered that patents issue accordingly

Read the petition of John Montgomery Esqr setting forth that one Richard Evans obtained a Warrant for 300 Acres of Land on Barnetts Creek in New Hanover Precinct That the Petitioner purchased the said Land from Evans he therefore prayed a patent in his own name

Ordered that the last Courts order be read which was accordingly read in the following words

Ordered that Colonel Maurice Moore produce his patent for Land lying on Bernards Creek before this Board the first day of March next at Newbern and if He fail herein that then the said Evans have a Grant as prayed

Whereupon Mr Moseley produced a Copy of a patent which he affirmed included the Land petitioned for by the said Montgomery and that a patent formerly mentioned in relation to this 300 acres of land was a distinct patent.

Ordered that it lye over to next Court of Claims and the two original Patents aforementioned be then and there produced to which both Parties consented

At a Council held at Newbern the 10th March 1736 [1737]

Present His Excellency the Governour

The Honōble { Will Smith, Math Rowan, Robt Halton, Edwd Moseley } Esqrs Members of His Majestys Council

Read the following Petitions for Patents Vizt

David Sheppard Junr 100 Carteret, Jno Rouse 140 Craven, Wm Davis 360 Carteret

Read the Petition of John Fonville setting forth that his boundaries were decayed praying an Order for a resurvey in order to perpetuate and ascertain them

Ordered that the Surveyor General or his deputy resurvey the said land he the said Fonville giving notice to George Lane of the day when he intends to Survey the said land

Read the petition of Thomas Murphy Senr praying a resurvey of William Fanacliffs Land

Ordered that it be resurveyed and that the Surveyor General return his doings thereon into the Secretarys Office

At a Council held at the Council Chamber in Newbern the 10th day of March 1736 [1737]

Present His Excellency the Governour

The Honōble { Wm Smith, Robt Halton, Math Rowan, Edwd Moseley } Esqrs Members of His Majesty's Council

Ordered that Cornes Harnet Alexander Logan and Jas Murray Esqrs be added as Justices to the Commission of the Peace for N. Hanover precinct

Ordered that Saml Johnston William Maxwell Roger Adams and Thos Lock Esqr be added as Justices to the Commission of the peace for Bladen

Read the following table [of] Fees by His Excellency (by and with the advice and Consent of his Majesty's Council) ordered to be taken into the Exchequer Office and that a fair Copy of the said fees be affixed in the said Office.

THE CHIEF BARONS FEES	Proc^{l} £	Money	
For each Spa. Capias, or other Orig^{l} process		4	
For hearing every cause in Equity		7	6
For Signing every Decree		7	6
For Writ of Error or other Appeal		5	
For every Attachment for Contempt		7	6
For every Attachment with proclamation		15	
For every Commission of Rebellion	1	10	
For taxing costs		5	
For Commiss^{ns} to Examine Evidence or to take an Answ^{r} in Equity		5	
For entring Satisfaction		3	
For every Recognizance entered into before the Chief Baron		5	
For hearing every cause in Equity	10	10	
For every Commission of Sequestration	10	10	
For filing each Bill in Equity		2	
For each answer or Demurrer		2	
For every Rule of Court		2	
For swearing every Evidence		1	
For Filing every Bond or other Writing		1	
For entring every cause in Barons book for hearing in Equity		5	
For entering each decree		7	6
ATTORNEY GEN^{ls} FEES			
For a Spa. or other original p^{r}cess. in each cause	2	6	
For draw^{g} peruseing Engross & sign^{g} each bill or Inform.	1	5	
For peruseing an answer or plea		10	
For every motion		7	6
For every process of Contempt		5	
For Fee on each hear^{g} or Tryal	1	10	
For drawing & signing Exceptions or Interrogatories		12	6
For draw^{g} a Replication		5	
For peruseing each Deposic̄on or Affidavit		2	6
USHERS FEES			
For every Affidavit Sworn in Court		2	6
Fee on every appearance		2	
Fee on every Decree or Judgement		10	10
REMEMBRANCERS FEES.			
For each Spa. or other Original process		2	6

For copy of Bill Answr or other pleadg ℔ sheet each sheet 90 words		7½
For filing every Bill or Answr or other paper	1	
For every Order	2	6
For copy of each ordr	2	6
Copy of every affidavit ℔ sheet as above		7½
Calling of a Jury	2	2
Ingrossg every decree, recordg each Decree or Judgmt ℔ sheet as above		7½
Copy of every Record ℔ sheet as above		7½

FEES ESTABLISH'D FOR THE RECEIVr GENl

To the receiver General for every Warrt of distress	7	6
Distraining Officer for every distress made ℔ pound	1	
For every mile going and coming		6
For cartage of all Household or other Goods distrained wch requires Cartage ℔ mile		

At a Council held at Newton the 8th day of September 1737. Present His Excellency the Governour

The Honōble { Nath Rice, R. Halton, E. Allen, M. Rowan, Ed Moseley, R. Moore } Esqrs Members of His Majestys Council

Read the Petitions of Sundry Persons for certain tracts of lands for patents as follows Vizt

Jno Cook 640ac New Hanover, Alex Nichols 639 Onslow, Steph Howard 640 Onslow, Jacob Sadbury 400 N. Hanover, Mich King 500 Onslow, Henry Short 211 Craven, Owen Hill 640 Onslow, Peter Perry 216 Ditto, Peter Parker 300 Ditto, Phil Alston 150 Edgcombe, Jno Stockley 100 Onslow, Jas Smith 640 Bladen, Thos Jones 640 Ditto, Jno Haws 100 N. Hanover, Richard Marsden 500 Bladen, Francis Stringer 220 Craven

At a Council held at Newton the 9th September 1737

Read the Petitions of Sundry Persons for Patents as follows Vizt

Sam Buxton 350 Craven, Thos Austin 640 Carteret, Jno Shackleford 95 Ditto, Thos Clark 200 New Hanover, Rich Cheek 640 Edgcombe, Jno Guess 640 Onslow, Jno Shirly 320 New Hanover, Do 320 Do, Wm Cary 640 Bladen, Edwd Marshburn 250 Onslow, Wm Morgan 365 Do, Jno Mertilleer 640 Bladen, Francis Holton 640 Ditto, David Roach 320 Ditto, Jas Keethcart 300 Craven, Evan Jones 320 N. Hanover, Arthur Mabson 940 Carteret, Ditto 50 Ditto, Ditto .300 Ditto, James Eagon 320 Bladen, Eleazer Allen 215 Craven

Read the Petition of Hugh Campbel setting forth that he had obtained a Warrant for a tract of land which was to join a tract belonging to W^{m} Bartrim that the corners of the said Bartrims land are not marked wherefore he prays a resurvey if Bartrims bounds being ascertained His tract may be run Out Whereupon said William Bartrim presented a Petition for 80 Acres part of the aforesaid Land for as much as he has made considerable Improvements thereon mistaking it to be within the lines of his Survey. Ordered That the Surveyor General do cause Resurvey to be made of the said Bartrims Land joining the Plantation of Thomas Brown and Report his doings to this Board

Read the Petition of Martin Frank setting forth that John Powell Deputy Surveyor Committed an Error in executing a Warrant for 3000 Acres of Land at a place called high Germany for him the said Franks there proving to be no more than 1500 Acres upon a Resurvey wherefore he humbly prays an order for a new survey agreeable to the Warrant. Ordered that the Surveyor General cause the same to be resurveyed as prayed

Read the petition of Robert Donay for a patent for 400 Acres of Land on Hamonds Creek Survey returned to which it being objected that the same is within the lines of a tract called the Lisbon tract the petitioner prayed a resurvey Which was accordingly ordered and a return thereof into the Secretary Office

Read the Petition of James Keith praying a Patent for 150 Acres on the South side of Neuse River opposed in behalf of Cap^{t} Roberts for that the said Keith's Warrant was laid upon Land granted by Warrant to the said Roberts. Ordered that both the tracts be resurveyed agreeable to their respective Warrants.

The 10th of September 1737. Present His Excellency the Governour William Smith President

The Honōble { Nath Rice, Roger Moore, Eleazer Allen, E. Moseley, Math Rowan } Esq^{rs} Members of Council

Read the Petition of Thomas Jackson for a Patent for 141 Acres Survey returned which was objected by James Castellaw his Attorney Suggested that the same falls within his the said Castellaws lines if otherwise praying the preference which being argued Ordered that a Patent issue to Thomas Jackson

Read the following Petitions for Patents Viz^{t}

Rufus Marsden 400 N. Hanover, And^{w} Bass 150 Craven, Ja^{s} Murray 640 N. Hanover, Abraham Busset 640 Craven, Francis Beale 230 Onslow, Jehu Davis 640 N. Hanover, Jn^{o} Parker 100 Craven. Granted

John Watson produced a Patent with a wrong Plot returned by mistake and so affixed thereto being a rough imperfect Survey praying that the right plot might be received and a new patent issued agreeable thereto Granted

Eleazer Allen Esq^{r} appeared in behalf of Joseph Wrag Esq^{t} of Charleston in South Carolina and produced a Mortgage from Humphry Johnson Mariner to the said Wrag of two Patents one for 1000 Acres the other for 640 both on C. Fear river dated in October 1728 which Patents were at the same time produced and new Patents prayed the Mortgage not being satifyed of the Validity of the former Grants as by the said Eleazer Allen his Attorney was at large set forth with his reasons for the same one being that the Date of the Survey is posterior to the Date of the Patent which being argued

Ordered that the further consideration thereof be put off to Monday the 12th Instant

The Pretended Original Patents for Land on Banards Creek claimed by Col Maurice Moore for which Richard Evans has several times applyed for a Patent by Virtue and in consequence of a Warrant regularly executed and returned into the Secretarys Office being called for pursuant to the order of last Court the Board was informed that the said Col Moore instead of conforming to the said order for producing the same at this Court and Col Moseley's Consent and Engagement on his behalf had sent his Excellency a Letter acquainting him he had sent the said Patents to England to justify himself to the King and clear up his Reputation or to that Effect which he had now so fair an opportunity of doing by complying with the said order and obligation were he really innocent of the Suggestion in the Secretary's Report in relation to one of the said patents made in Council October 15th 1736 and so strongly confirmed by his whole conduct and proceeding throughout especially the latter part of it

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The 13th September 1737 Present His Excellency the Governour

The Honōble	Will Smith	Eleazer Allen	Esq^{rs} Members of His Majestys Council
	Nath Rice	Math Rowan	
	Rob^{t} Halton	Edw^{d} Moseley	

Read the following Petitions for Patents Viz^{t}

Jane Alston 250 N. Hanover, Tho^{s} Moor 350 Ditto, David Morgan 300 Ditto, Jno White 200 Bladen, Isaac Wayne 640 Ditto, Ann Montgomery 600 N. Hanover, W^{m} Herritage 353 Craven, W^{m} Maxwell Esq^{r} 640 N. Hanover, Theop^{s} Norwood 640 Carteret, Hector Hancock 400 Ditto, Bryan M^{c}Cullin 500 Carteret, Martin Holt 640 Ditto, Rufus

Marsden 640 D°, Ale^{x} M^{c}Daniel 200 Bladen, Martin Holt 100 N. Hanover, Francis Brice 200 Onslow, Abraham Blackhall 450 N. Hanover, Thos Hutchins N. Hanover, Abraham Blackhall 640 Ditto, Thos Evans 360 Ditto, Rob^{t} Hamilton 640 Bladen, Sam Sab Plomer 640 N. Hanover, Ditto 640 Ditto, W^{m} Waters 320 N. Hanover, Jno Clayton 30 Bladen, Ditto 150 Ditto, Francis Pugh 200 Chowan, Jonathan Evans 260 Bladen, Eliza Moore 350 N. Hanover, Jno Rice 320 Ditto, Ditto 320 Ditto, Jno Montgomery 300 Ditto, James Craven 640 N. Hanover, Ditto 640 Ditto Granted

Read the Petition of Cap^{t} James Innes setting forth that upon a resurvey of 2 certain tracts of land going by the name of M^{c}Knights Bluff there is found a surplusage of one hundred and eighty Acres between the said tracts on the N. W. River praying a Grant of the same

Read the Petition of John Guess praying a resurvey of the following Lands Viz^{t} of the land whereon the said Guess now living of Jno Williams land joining to it and of John Williams Land comonly known by the name of the Fording place in Onslow Precinct which is granted Ordered that the Surveyor General or his Deputy do resurvey the Lands and report his doings thereon

Resumed the consideration of Mr Wrags Petition and Mr Allen praying Warrants for the land in question. Ordered that Warrants issue in the name of Joseph Wragg Esq^{r} for the said Lands.

The 14th September 1737. Present as before and Roger Moore Esq^{r}

Read the Petition of Jeremiah Rowan setting forth That He had Warrants from his Excellency for 640^{ac} the one lying between land of Mr Rowan and Mr Roger Moores the other on Hoods Creek joining the upper side of Mr Rowans Mill land both in New Hanover precinct and that they were duely surveyed and returned into the Secretary's Office praying Patents for the same to which Mr Samuel Swann in behalf of the Heirs of the late Mr Ashe objected and the Arguments on both sides being heard and considered Ordered that the Petitions lye over to the next Court

Read the Petition of William Whitehond praying a new patent for 640 Acres of Land formerly granted lying in Edgcombe and Patent for the same in the Secretarys Office the plot thereunto annexed being erroneous. Ordered that the Allegations of the said petition be made appear next Court and then a patent to issue

Read the following Petitions for Patents Viz^{t}

Gilbourn Kingcade 526 Edgcombe, Jas Murray 640 Onslow, Step Williams 300 Ditto, Francis Sumner 640 D°, Sam Williams 640 D°, Stephen Williams 640 D°, Sam Williams 640 D°, Cha^{s} Williamson 300

Onslow, W^m^ Williams 640 D°, Job Bumpus 300 D°, Jno Champion 335 Chowan, Jno Williams 640 Onslow, Ditto 640 D°, Rich^d^ Batchelor 400 D°, W^m^ Cranford 300 D°, Jno Brock 640 D°, Math Rowan 198 Craven, Timothy Bloodworth 640 N. Hanover, Jno Vandozen 50 Craven, Rich^d^ Elliot 200 Craven, James Wallace 640 Onslow, Sam Keel 640 D°, Jno Pratt 180 Edgcombe, Sam Speirman 640 N. Hanover, Jno Williams 150 Onslow, Rich^d^ Willfred 640 Ditto, Stephen Williams 640 D°, D° 640 D°. Granted.

Whereas many persons that have obtained orders for resurveys have neglected or delayed to carry the same into execution thus preventing others from taking up of Surplus Land to the apparent detriment of his Majesty's Revenue

Resolved that all such Orders not being executed and accomplished within six months from this day shall be void and any other Person on proper application may obtain an order for resurveying any such land the time so limited for resurveying thereof being expired and shall be intitled to the surplusage that on such resurvey shall be discovered

Ordered that the General Assembly of this Province be prorogued to the 6^th^ day of April next

Ordered that none of the controverted Patents commonly called Blank Patents which have issued since the year 1725 shall be enrolled in the Secretarys Office till they be first publickly read in Council

Ordered that all Patents for Land made out and lying in the Secretary's Office or Granted and ordered to be made out and issued be taken out before the last day of March General Court next ensuing by the respective Patentees who are to have Notice of the same by the Publication hereof as otherwise the said Patents will become void in which case (that is to say) the Patentee neglecting to take out his Patent or patents within the time limited as aforesaid the lands granted by such Patent or Patents so forfeited shall be granted to any other person applying for the same

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At a Council held at Brunswick the 18^th^ September 1737

Present His Excellency the Governour Will Smith Esq^r^ President Nath Rice Eleazer Allen

Robert Halton, Math Rowan and Edward Moseley Esq^rs^ Commissioners for running the Boundary Line between this Province and South Carolina brought their Several and respective Accounts and laid them before the Board for their Inspection who accordingly proceeded to audit and examine the same the abstract whereof is as follows

	Currency	Sterling
Robert Halton by Sundry charges and Disbursements as ℔ particular	£ 402 " 4 " 6 is	57 " 9 " 1
By Personal Service viz^{t} 56 days Attendance at running the aforesaid Line at 20^{s} per diem Exchange at 600 p^{r} cent Advance	392 " — " – is	56 " — " –
	794 " 4 " 6	113 " 9 " 1
Math Rowan by Sundry Expences and Disbursements	489 " 16 " 9 is	69 " 19 " 3
By personal Service viz^{t} 66 days upon the Line at 20^{s} p^{r} Diem each as above	462 " 0 " 0 "	66 " — " –
	951 " 16 " 9	135 " 19 " 3

Edward Moseley Esq^{r} having charged ten days more than the other Commissioners the first Expedition and it appearing that he was attending his Duty at the Council ten of the days which he charges for his service on the line the second time both the said Articles were disallowed and struck off his accounts now standing as followeth—

	Currency	Sterling
Edward Moseley by Sundry Expences and Disbursements	£ 435 " 8 " 6 is	62 " 4 " 0
By Personal Service 58 Days at 20^{s} p^{r} Diem Exchange as above	406 " 0 " 0 "	58 " 0 " 0
Total	£ 841 " 8 " 6	120 " 4 " 0

Then appeared Mr William Gray Surveyor employed in the aforesaid service and produced his Account

For Disbursements	59 " 2 " 6 is	8 " 8 " 11
Personal Service 66 Days at 20^{s} Sterling Exchange as above	462 " 0 " 0	66 " 0 " 0
Total	£521 " 2 " 6	74 " 8 " 11
Then was present Mr Jno Clayton Surveyor his Acc^{t} attested by the Commissioners he being absent which is as follows	3 " 17 " 0	0 " 11 " 0
Expence Personal Service 12 days at 15^{s} Sterling Exch as above	63 " 0 " 0	9 " 0 " 0
Total	66 " 17 " 0	9 " 11 " 0

Ordered that a particular of each of the said Accounts subscribed by each Commissioner and the Deputy Surveyor respectively be lodged in the Secretarys Office being first proved upon Oath which was accordingly severally done in the following words excepting only Mr Claytons Acct he not being present as aforesaid

I do solemnly Swear that the Disbursements charged in the within Accounts I have truely and bone fide paid or expended And that all the days I have charged for my own personal attendance I was actually present at running the line or upon the Service So help me God

ABSTRACT OF THE FOREGOING ACCOUNTS

	Currency	Sterling
Robert Halton Expences and Personal Services	794 " 4 " 6	113 " 9 " 1
Mathew Rowan Ditto	951 " 16 " 9	135 " 19 " 3
Edward Moseley Ditto	841 " 8 " 6	120 " 4 " 0
Wm Gray Ditto	521 " 2 " 6	74 " 8 " 11
Jno Clayton Ditto	66 " 17 " 0	9 " 11 " 0
Grand Total	£3,175 " 9 " 3	453 " 12 " 3

The Account of Charges for running the aforesaid Boundary Line being then Audited and adjusted, his Excellency and the Gentlemen of the Council were pleased to declare their opinion, that considering the Impracticableness of the ways, with several other Difficulties and Inconveniences attending it is upon the whole a most just, modest and reasonable claim By Order NATH RICE Sec.

September 29th 1737

Read the Petition of Richard Eagles for 640 acres New Hanover, Nath Rices 500 Ditto Granted

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At a Council held at Brunswick the 21st day of November 1737

Present His Excellency the Governor

The Honōble { Nath Rice, Eleazr Allen, Robt Halton, Edwd Moseley, Math Rowan, Roger Moore } Esqrs Members of His Majestys Council

Read the Repeal of the Biennial Act Ordered that a Proclamation issue to give notice thereof

Read the Petition of Sundry Inhabitants of New Hanover praying that in regard of the great Scarcity of Grain a stop may be put to the Exportation of Indian Corn

Ordered that a Proclamation issue to prohibit the exportation till the first day of March next

Math Rowan Esq^{r} in behalf of Jerome Rowan Esq^{r} prayed a Patent for 640 Acres agreeable to a survey made for one Peter Bourk above Rockfish Creek in trust for the said Jere Rowan Granted

1738.

[B. P. R. O. North Carolina. B. T. Vol. 10. B. 38.]

My Lords [of the Board of Trade]

I have sent over a full Representation of the state of this Colony, from its first settlement to the present time, to the Lords of the Committee of His Majesties most Honorable Privy Council for Plantation Affairs which I don't doubt will of course be laid before your Board. I must therefore take the liberty to beg that your Lordships would determine the points therein contained as soon as possible, the Confusions in this Province being much increased by the suspense we have been kept in for more than two years, with regard to the Blank Patents, and the validity of their Laws.

I must once more observe that if His Majesty (who is now in place of the late Proprietors) his Rights and Revenues, can be affected by Laws made by the People and not confirmed by the said Proprietors this Colony will be more independant of the Crown, than Rhode Island.

Edmund Porter Esq^{re} a member of His Majesties Council being lately dead, I recommend to your Lordships James Murray Esq^{re} to fill up that vacancy I am your Lordships, &c., GAB: JOHNSTON

Cape Fear, Jan^{ry} 15th 1738.

[B. P. R. O. North Carolina. B. T. Vol. 10. B. 30.]

Sir [Secretary of Board of Trade]

Governour Johnston has laboured under great difficulties for want of their Lordships declaring themselves in regard to such prudential matters that are in dispute thō his Instructions will warrant his acting as he has done in those particulars. Yet the people put forced constructions on the meaning of them and having been for a long time indulged in acting contrary to them it is not in the Governours power to keep them to their

Duty without their Lordships will be pleased to favour him with their Opinion upon the Matters in debate which are as follows

1. That such as hold Patents under the Lords Proprietors by which they are obliged to pay some one shilling sterling per hundred acres and others two shillings, tender their Quit Rents only upon the footing of Proclamation Money which is Twenty Five per cent worse than sterling, and alledge that by his Instructions he ought to receive it from them in that manner

2. Another difficulty that the Governour meets with is that they will only pay their Quit Rents in Commodity, and others of them will not bring their Quit Rents to the Precinct house but require the Receiver General to come to their respective dwellings there is not the least colour of reason for this excepting in Albemarle county and even there they are certainly lyable to pay their Quit Rents at the Precinct house, it has also been a practice of long standing in the Colony for people to Box pine trees for Turpentine and burn light wood for Pitch and Tarr without taking out Pattents for the Lands the Governour has been much censured for the preventing this therefore it would be of use to him if their Lordships would write to him that they approve his conduct therein and that they would also declare their Opinion how far the people ought to be lyable to Quit Rents, having made waste of the King's Lands, and that their Lordships would at the same time assure him that they will support him in the Execution of his Duty, and that if any persons in the Colony do obstruct him in the same they may expect very little favour from the Crown in the renewal of their Pattents provided any of them are vacated, that that affair is now before the Attorney General and that he will speedily have directions how to proceed.

If their Lordships would think proper to write a letter to this Province it would be of Infinite use at present as the people are made to believe that all that he does is without any Directions from their Lordships and that they also approve of his conduct.

I am Sir, &c., HENRY McCULLOH.

London January 173$\frac{7}{8}$.

[B. P. R. O. North Carolina. B. T. Vol. 21. p. 264.]

Sir, [Governor Gab. Johnston]

The reason why you have not had a full answer to your letters before this time is that several of the matters wherein you have desired our sentiments are questions in law and have lain a long time before the Attor-

ney & Solicitor General for their opinions which we are now in hopes of having very speedily and then we shall without any delay take the affair into our serious consideration and transmit the opinions with such other directions as may appear necessary.

In the meantime we observe with much satisfaction the great diligence you have used in apprizing us of the state of the Province and we take this opportunity of assuring you that as long as you continue to follow your instructions you may always depend upon our encouragem^{t} & assistance And so we bid you heartily farewell & are

Your very loving friends, &c.,

MONSON. M. BLADEN
EDW. ASHE. R. PLUMER

Whitehall, February 8th 173$\frac{7}{8}$

[B. P. R. O. North Carolina. B. T. Vol. 10. B. 34.]

M^{r} Attorney and Solicitor General's Report & Opinion upon several Queries relating to Quit Rents &c: in North Carolina.

George Duke of Albemarle, Master of His Majesty's Horse, Edward Earle of Clarendon, William Earl of Craven, John Lord Berkley, Anthony Lord Ashley Chancellor of the Exchequer, S^{r} Geo: Cartrett Vice Chamberlaine of his Majesty's Household S^{r} William Berkley and Sir Peter Colleton Bar^{t} The true absolute Lords Proprietors of all the Province of Carolina.

To our Trusty & Welbeloved Samuel Stephens Esq^{re} Gov^{r} of the County of Albemarle & the Isle & Islands within 10 Leagues thereof. And to our Trusty & Welbeloved, our Councellors and assistants to the said Gov^{r} Greeting.

Whereas we have received a Petition from the Grand Assembly of the County of Albemarle praying that the Inhabitants of the said County may hold their Lands upon the same terms and conditions that the Inhabitants of Virginia hold theirs and forasmuch as the said County doth border upon Virginia and is much of the same nature we are content and do grant that the Inhabitants of the said County do hold their Lands of us the Lords Proprietors, upon the same Terms and Conditions that the Inhabitants of Virginia hold theirs; Wherefore be it Known unto all men by these presents that we the said Lords and absolute Proprietors of the County within the Province aforesaid have given and granted, and by these presents do give and grant full Power and Authority unto

you our said Governour, by and with the consent of our Council or the Major part thereof, or to any Gov^r^ for the time being or that shall hereafter be by us appointed, full Power and Authority by and with the Consent of our Council then being or the major part thereof to convey and grant such proportions of Land as by our Instructions and concessions annexed to our Commission bearing Date in October Anno Dom: 1667. We have appointed to such persons as shall come into our said County to plant or inhabit to be held of us our Heirs and assigns, upon the same Terms and Conditions that land is at this present usually granted in Virginia anything in our Instructions and concessions aforesaid to the contrary notwithstanding, and we do hereby declare and consent that the Warrant to the Surveyors for the laying out of the said land and the return thereon being registred and also the Grant of you our said Governour and Council or Governour and Council that shall when such Land is due having the seal of the County affixed to it and signed by yourself, and Major part of our Council for the time being being registered, shall be good and effectual in Law for the enjoyment of the said Land and Plantations and all the Benefits and Profits of and in the same except one half of all Gold and Silver mines to the Party to whom it is granted, his heirs and Assignes for ever, he or they performing the conditions aforesaid, Given under our hands and Great Seal of the Province this

Q. 1^st^ Whether the above Deed be revocable in whole or in part.

We are of opinion that the above Deed was revocable in whole or in part at the pleasure of the Lords Proprietors But not so as to effect Grants made pursuant to such Deed before the Revocation thereof.

Geo: Duke of Albemarle Cap^t^ Gen^l^ of all his Majestys Forces, Edward Earl of Clarendon, William Earl of Craven John Lord Berkley Anthony Lord Ashley Chancellor of the Exchequer S^r^ George Carteret vice Chamberlaine of his Majestys household S^r^ Peter Colleton Bar^t^ and S^r^ William Berkley Kn^t^

To our Trusty and Welbeloved William Sayle Esq^re^ Governour of all that Territory or part of our Province of Carolina that lyes to the Southward and Westward of Cape Carteret and to our Trusty and welbeloved our Councellors and Assistants to our said Governour Greeting

Be it known unto all Men, that we the Lords and absolute Proprietors of the Province aforesaid for divers good Causes and Considerations but more especially out of the Trust and Confidence reposed in you our said Governour and Councellors for the faithful management of the Power and Authority by Us to you given, to the best avail and Improvement of our Interest and Dominion in the Territory aforesaid have

given, Granted and by these presents do give and grant during our Pleasure unto you our said Governour by and with the consent of our Council, or any six of the tenn, whereof three at least are to be of those appointed by us as our Deputies full and absolute power and authority for us and in our names, to lett, sett, convey and assure such Lands, in our said County to such person and persons and for such Estate and Estates and with such Provizoes, Conditions and Limitations as we by our Instructions and concessions hereunto annexed have directed and as you shall be directed by such other Instructions and Rules as from time to time you shall receive from us and not otherwise, hereby ratifying and confirming whatever you shall do pursuant to the said Instructions and Concessions and to such Instructions Rules and Directions as aforesaid as also to make do and perform and execute all and singular act and acts thing and things, powers and authorities whatsoever which we ourselves may, can, might or could do, in, for, concerning or relating to the Government both Civil and Military of the said Territory by virtue of the Letters Patents of His most excellent Majesty Charles the 2^{d} King of England, Scotland France and Ireland Defender of the Faith bearing date at Westminster the 20th day of June in the 17th year of his Reign to be exercised nevertheless according to such Instructions and with such Limitations, Restrictions Conditions and Provizoes as are hereunto annexed and in these Presents are hereafter contained hereby ratifying and confirming and allowing all and every such act and acts, thing and things which our said Governour and our said Councillors in our names shall do in the Premises pursuant to the Authority hereby committed and which is not contrary to our Instructions and our Fundamental Constitutions and form of Government herewith sent under our hands and seals.

Provided also that the Executive part of all the said Powers herein given shall be made and exercised by you our said Governour by and with the advice and consent of the Major part of our Council, and if it shall happen that our said Governour shall depart or be absent at any time from our Territory aforesaid unless other Provision be by us made that then it shall and may be lawfull for our said Governour by the advice and Approbation of the Major part of his Council under his hand and seal to nominate and appoint a Deputy giving and granting unto the Person so appointed as full, large and ample powers as we by these presents unto our said Governour have given anything in this present commission in any wise to the contrary notwithstanding, and if in case our said Governour should happen to dye or depart without nominating any Person to be his Deputy, we do then give and grant unto our said Coun-

cil full power and authority to appoint some person to be Governour till our Pleasure be further known therein and signified to the contrary, and the Person so appointed shall have the same power to all Intents and Purposes as was by this present Commission granted unto our Governour so Dead and departed. Given under our hands and the Great Seal of our said Province this 26th day of July 1669.

COPY OF THE 14TH INSTRUCTION

Any Person having brought servants to Plant, shall make the same appear to yourself and Council who shall thereupon issue out a Warrant to the Surveyor General to lay him out a parcel of Land according to the Proportions mentioned in these our Instructions and the Surveyor having done the same and the Warrant with the Surveyor General's return thereupon being recorded and the Person to whom this Land is granted having sworn or subscribed allegiance to our Sovereign lord the King and Fidelity and Submission to the Lords Proprietors, and the Fundamental Constitutions and Form of Government, you are under the Seal (for that use provided) to pass this following grant: Geo: Duke of Albemarle Cap^{t} Gen^{l} of all His Majesty's Forces Edward Earl of Clarendon, William Earl of Craven, John Lord Berkley, Anthony Lord Ashley Chancellor of the Exchequer S^{r} Geo: Carteret Bar^{t} Vice Chamberlaine of [His] Majesty's Household S^{r} Peter Colleton Bar^{t} and S^{r} William Berkley Knight The true and absolute Lords Proprietors of the Province of Carolina Do hereby Grant unto A. B. of the county of in the Province of a Plantation in the Town of in the county aforesaid containing Acres English measure bounded to have and to hold to himself his heirs and assignes for ever, yielding or paying to the said George Duke of Albemarle, Edward Earl of Clarendon, William Earl of Craven, John Lord Berkley, Anthony Lord Ashley S^{r} George Carteret, S^{r} Peter Colleton and S^{r} William Berkley Lords Proprietors as aforesaid their Heirs and Assigns every 29th Day of September which shall be after the 29th of September 1689, one penny of Lawfull English Money or the value thereof for every of the said acres to be holden in free and common soccage Given under the Great Seal of the Day of in the year of our Lord This grant you and three more of your Council are to sign, and cause the same to be recorded in the Register Office the which shall then be deemed a full and firm conveyance of the Land therein mentioned unto the person unto whom it is Granted and his Heirs and Assignes forever he paying the Rent &c.

Q. 2^{d} If the aforesaid Deed be revocable is the same revoked either in whole or in part by this Instrument. Supposing this last Instrument

to include the County of Albemarle and the District and Jurisdiction comprized in the first Deed We are of opinion that this Instrument does revoke the Deed in the whole.

Q. 3d If the aforesaid Deed of 1667 be revoked in the whole or in part of this Instrument of 1669 are any Grants made by the Governour under the Lords Proprietors during the time that this last Instrument continued in Force valid in Law, unless the Quit Rents thereby recited have been reserved and the other conditions there specified have been inserted in such Grants.

We are of opinion that the not complying with the directions of this Instrument of 1669 in reserving Quit Rents and the other conditions requisite is such a defect as would render them void in point of Law unless the Grantees have had a long and quiet enjoyment under them, in which case we apprehend the original Defect will be cured.

Q. 4th If the form of a Grant annexed to the aforesaid Order has been duly Whether the Quit Rent ought to be paid in sterling money or if there be a Liberty to be paid in Commodities, is the Crown the proper Judge of the Value of those Commodities, and in either case are the Inhabitants oblidged to carry their Quit Rent to some proper Place appointed to the Crown, within each Precinct for the reception thereof.

We are of opinion that the Quit Rent is not demandable in Specie but may be paid in Commodities at the Election of the Grantees, according to the value of sterling Money there. In which case neither the Crown nor the Grantees are the absolute Judges of the value of those Commodities which must be determined by their Market price. And as to the place of payment, we think it ought to be the place of the Kings General Receipt within the Province, or otherwise upon the Respective Lands out of which the Quit Rent issues, but not at any other places to be appointed by the Crown.

GENl CONSTITUTION No. 83.

No Act or Order of Parliament shall be of any Force unless it be ratifyed in open Parliament during the same Session by the Palatine or his Deputy and three more of the Lords Proprietors and their Deputies and then not to continue longer in Force but till the next biennial Parliament unless in the mean time it be ratified under the hands and seals of the Palatine himself and three more of the Lords Proprietors themselves and by their order published at the next Biennial Parliament

Q. 5th As many of the Laws of Carolina were never confirmed by the Lords Proprietors according to the above constitution but have always been in use and submitted in the Colony Are such Laws to be deemed Void. Or if not Void are they repealable by the Crown.

As the circumstances and duration of each particular Law may have great Influence on the Question concerning their present force, we cannot give any precise answer to this Question and can only say in General, that as to Old Laws which have been in use amongst the people and acquiesced in by the Proprietors we are of opinion they are not void or now repealable by the Crown notwithstanding the defects mentioned in the Quere

D. RYDER
J. STRANGE

27 Febʳʸ 173⅞.

[B. P. R. O. North Carolina. B. T. Vol. 10. B. 36.]

Mʳ Attorney & Solicitor General's Report upon two Acts of North Carolina, relating to Staple Comoditys Rated, & certain Queries thereupon.

May it please your Lordships [of the Board of Trade]

In obedience to your Lordships Comands signified to us by Mʳ Popple, in his letter of the seventeenth Instant, transmitting to us the annexed Copies of two Acts of North Carolina, and the annexed answer to certain Querys. We have considered the same and likewise an Extract from the General Constitution, N° 83. Stated to us in a late Case from your Lordships, wherein it is ordered that "No Act or order of Parliament "shall be of any force unless it be ratified in Open Parliament during "the same session, by the Palatine or his Deputy, and three more of the "Lords Proprietors, & their Deputies, & then not to continue longer in "force but 'till the next Biennial Parliament unless in the mean time it "be ratified under the hands & seals of the Palatine himself and three "more of the Lords Proprietors themselves, and by their order published "at the next Biennial Parliament." And upon the whole circumstances of the Case, relating to the Acts, we are of Opinion that they are not binding either on the Crown or People.

All which is humbly submitted to your Lordᵖˢ

DUDLEY RYDER
JOHN STRANGE

Recᵈ March 22ᵈ 173⅞

STAPLE COMMODITIES RATED.

Be it Enacted by His Excellency the Palatine and the rest of the true and absolute Lords Proprietors of Carolina by and with Advice and Consent of this Genˡ Assembly now met at Little River for the N° East Part of the said Province and the Authority of the same

And it is hereby Enacted that for Establishing a certainty in Trade and in the Payment of Publick Levies all Debts due or which hereafter

may become due on account of the Publick or to any Inhabitant or Foreigner Trading amongst us, or in our Private Dealings amongst ourselves or other wise howsoever the Debt being contracted or Due in money not expressing sterling such Person or Persons to whom such money shall be Due shall take and receive the same in any specie hereafter expressed and at the Rate hereby appointed or in Publick Bills of Credit anything in this Act contained to the contrary notwithstanding.

	£	s	d
Tobacco ℔ Hund^{d} w^{t}	0	10	0
Indian Corn per Bushel	—	1	8
Wheat per Bushel	—	3	6
Cheese per ℔	—	—	4
Raw Buck and Doe Skins ℔ pound	—	—	9
Drest Buck and Doe Skin ℔ ℔	—	2	6
Tallow tryed per ℔	—	—	5
Leather tann'd and uncurried ℔ pound	—	—	8
Beaver & Otto Skins ℔ pound	—	2	6
Wild cat Skins ℔ piece	—	1	–
Butter ℔ pound	—	—	6
Feathers ℔ pound	—	1	4
Tarr ℔ Barrel Full gauge	—	10	–
Pitch ℔ Barrel Full gauge	1	—	–
Whale Oil ℔ Barrel	1	10	–
Beef ℔ Barrel	1	10	–
Pork ℔ Barrel	2	5	–

And be it further Enacted by the Authority aforesaid that none of the aforementioned Commodities shall be forced upon any Creditor Publick Receiver or other at the Rates aforementioned unless they be good in their kind and merchantable and approved by two substantial Freeholders indifferently chosen and sworn before some Magistrate, Justly and Impartially to give their opinion therein.

And be it further Enacted that in all Contracts made or hereafter to be made for Drest Buck Skins at Two Shillings per skin and Drest Doe Skins at one Shilling and Sixpence per Skin the same shall be adjudged equal to Sterling money of the Kingdom of Great Britain.

This Act was passed or rather revised in $17\frac{15}{16}$.

An Act being an Additional Act to an Act Entituled Staple Commodities rated.

Whereas thrō the great industry of divers of the Inhabitants of this Province the making of Hemp, Rice and Turpentine are much improved

and would become valuable Species in Trade in this Government if due encouragement were given for making the same by rating them at a certain price and making them equal in their Currency with the Staple Commodity of this Government

Be it enacted by His Excellency the Palatine and the rest of the true and absolute Lords Proprietors of Carolina by and with the advice and consent of the rest of the Members of this present General Biennial Assembly now mett at Edenton for the North East part of the said Province And it is hereby enacted that for the further Establishing the Trade of this Government and in payment of the Publick Levys and all debts due or which hereafter may become due on Account of the Publick or to any Inhabitants or Foreigners trading amongst us or in our private dealing amongst ourselves or otherwise howsoever (the debt being contracted or due in money not expressing sterling) And that Encouragement be given for and improving the above named Commoditys such Person or persons to whom such money shall be due either on the Publick or on private Accounts shall take and receive the same in any of those specie as well as those heretofore rated and as the rates hereafter appointed or in Publick Bills of Credit.

	£.	s.	d.
Hemp Water rotted Merchantable & fit for Export ℔ p^{d}	–	" – "	8
Rice ℔ Hundred Cleaned & fit for Exportation	1	" 5 "	–
Turpentine Merchantable ℔ barr^{l} full gauge 31 gall^{ns}	1	" 5 "	–
Indian Corn ℔ Bushell	–	" 2 "	–
Wheat ℔ Bushell	–	" 4 "	–

Provided the same be good in their kind and merchantable and approved by two substantial Freeholders indifferently chosen and sworn before some Magistrate Justly impartially to give their opinions, and shall be delivered by the persons paying the same at such landing as is most commonly made use of by them in some Convenient time after it is received And a delivery thereof at the time appointed by the Persons so receiving the same and proof thereof made shall be a sufficient payment for any the debts aforesaid passed in 1723.

QUERYS [AND M^{r} M^{c}CULLOH'S ANSWER THERETO].

1st When were those Acts for rating Comodities passed?

The two Acts referred to the Attorney & Solicitor General were passed about twenty five Years ago.

2nd What has been the usuage with respect to the Rents due the Lords Proprietors, and also the Contracts between Private Persons?

The Quit Rents the Lords Proprietors reserved to themselves on Lands granted by them was payable in sterling money excepting in Albemarle Precinct where lands were granted by the Lords Proprietors officers, conformable to what the People term their Grand Deed, it has been the practice of that Colony in many Cases, to receive the Quit Rents in Commodities, but this appears to be owing to the necessitys of the Lords Proprietors Officers, as they had no other allowance made them, than what arose from the Quit rents.

As to the Contracts between private Persons, till of late there was very little Order observed in that respect, as the People residing in that Province were generally deemed a sett of Out Laws.

3^{dly} Whether any payment of Quit rents has been made to the Lords Proprietors on the footing of this Act, and whether they have ever accepted the same in Account?

It does not appear that any Quit rents have been paid on the foot of this Act and Governor Johnston is of Opinion, that this Law was not intended to regulate the Method of paying the Quit rents, but that from pure necessity, the Lords Proprietors Officers received whatever the People thought proper to tender them; the Lords Proprietors had at sometimes notice of what their Officers were doing, but it does not appear that they ever approved of their Conduct in form, nor does it appear any of their Lordships Officers ever passed their Accounts in a regular manner with their Lordships in London, their Accounts having been for the most part settled with their Governors in the Province.

4th Whether this Act was returned to the Lords Proprietors, & whether they ever declared their sense concerning it?

These two Laws were never confirmed by the Lords Proprietors nor indeed is there any now in the Colony, excepting six that were ever confirmed by them, most of the Laws now in being in that Province, are full of inconsistences, and some of them plainly calculated to serve fraudulent purposes, neither have they any complete Body of Laws amongst them, many of the Copys not agreeing.

[B. P. R. O. North Carolina. B. T. Vol. 10. B. 40.]

My Lords [of the Board of Trade]

Being lately informed that the Gentlemen of South Carolina are making some attempts to induce your Lordships to sett aside the Boundary Line betwixt them and this Province as the same was settled at their own

request about three years ago, I must take the liberty to offer what follows on this subject to your Lordships Consideration. It cannot easily be forgot what difficulties occurred, and what warm disputes past concerning this affair for the first five or six years after his Majesties purchase, upon my arrival at Cape Fear anno 1734 in the first letter I had from the Governor of South Carolina. He was anxious to know if I had not brought over a more plain Instruction about the dividing Line, when I assured him I had not, but did design to put the old Instruction into Execution. Early in the year 1735 three Commissioners were appointed with full power from the Governor, Council and General Assembly of South Carolina to adjust that matter with other Commissioners to be appointed by this Province. The Commissioners from South Carolina came into this Colony, and desired, that without adhering with too much rigour to the words of the Instruction, which favoured our pretensions very much, we would agree to such reasonable propositions as they designed to make us, and then join our Endeavours to gett this agreement ratified at home, an Agreement was accordingly drawn up in full and ample form signed sealed and exchanged, by the Commissioners of the two Provinces, ratified by their constituents and the most difficult part of the Line actually marked in pursuance of this agreement. soon after, I had the honour to acquaint your Lordships with this transaction, and you were so good as to assure me in your answer that you would shew great regard to this solemn and peaceable decision of an affair that had formerly been the occasion of much wrangling and contention, since that time his Majesty has been pleased to grant to some Merchants in London 1200000 acres of Land in this Province, a great part of which is ordered to be laid out on the head of Pedee River, and just within the dividing Line as it was agreed to by the Commissioners, and this it is presumed may be looked upon as an actual confirmation on His Majesties part of this division of his two Provinces. The Surveyor General of this Colony has been actually employ'd in this survey for some months past and must continue still a long time attended with a great number of men and horses with provisions so that this Article alone must cost the Gentlemen concerned a great sum of money besides their charges in soliciting that matter at home, and all this must be lost to them if the desires of South Carolina are complied with. Upon the whole it is humbly submitted to your Lordships whether an agreement which these gentlemen came into this Province to solicite which they consented to with great joy, which they afterwards ratified and partly carried into Execution, an agreement which your Lordships approved of, and has in some measure the Royal sanction ought to be sett aside purely to gratify these Gentle-

men's humours, or whether it is not very probable that as they were at first very uneasy under the Royal Instruction on this Head, thō drawn in the manner they desired and are now dissatisfied with their own agreement, any concession now made will give them any lasting satisfaction or prevent your Lordships from future applications on this Affair; It is hoped that at least your Lordships will be so good as to hear what can be said in behalf of this Province before any alteration is determined.

I am My Lords, &c., GAB. JOHNSTON.

Cape Fear, June 13th 1738.

[B. P. R. O. North Carolina. B. T. Vol. 9. A. 57, 60, 62, 68. Vol. 10. B. 33, 37.]

BLANK PATENTS.

The Case of the Blank Patents in North Carolina fairly stated in behalf of his Majesty.

It is confessed on all sides that many years before the year 1724 the lands office for the County of Bath was shut up and the Governor and Council by the most Direct explicit and frequently repeated orders from the Grand and absolute Lords Proprietors were deprived of all power of granting Lands and absolutely discharged from selling any in the said County unless by an Order from their Board in London upon the payment of twenty pounds sterling per 1000 acres there.

This Prohibition to grant or sell Lands in the County of Bath except in the manner aforesaid was never removed untill the Crowns purchase That it was universally known to all the Inhabitants of this Province that the Governor and Council had no power or authority to grant or sell lands except upon the Terms above mentioned plainly appears from what follows.

In the year 1724 it was a general complaint through the Province that the Lords Proprietors had absolutely discharged the sale of Lands in the County of Bath except upon Terms that could not be complyed with viz: 20lb ster: (payed at their Board in London) and that this Prohibition greatly hindered the settlement of the country. The lower house of Assembly did upon this address the Council to interceed with the Lords Proprs to withdraw this order which the Councill did and upon a second address the Council ventured to make a regulation by which people were allowed after a survey to sett down and cultivate tracts of land in the County of Bath and pay 3d per hundred acres and that persons so cultivating should have the preference in the purchase of such

lands whenever their Lordships should be pleased to permitt their lands to be sold, but even this Regulation was to continue in force no longer than untill the Proprietors pleasure should be known from all which I shall only make this plain inference that when this Prohibition to the Governor and Council was reckoned a General Grievance and as such was represented in the General Assembly and afterwards such solemn and deliberate proceedings of the two parts of the legislature had thereupon in order to prevent its bad consequences, It cannot with the least modesty be pretended, that this Prohibition did not at this time Exist and that it was not universally known and notorious that it did exist so that there is not the least pretence to plead Ignorance in this case.

I must at the same time observe to your Lords that this regulation of the Council was very prudent and just and if it had been adhered to would have prevented all the confusions which have since happened in this Province but instead of this some leading men in the Province and officers of the Lords Proprietors convened together and by a long Train of Artifices and threats prevailed upon the weakness and necessities of Sir Richard Everard (thō it was never pretended that he had any more power than his predecessors to Grant land) to sign Patents along with the Council upon various pretences which he continued to do during all the rest of his administration in a most open carefull manner. These Patents were drawn up in form and signed and sealed with the persons names the number of acres the description of the Boundaries and the Sums paid for 'em [left] in Blank and remained so in the secretaries office from whence they were issued and disposed of and filled up just as the proprietors officers thought fitt I have seen [many] of them myself since I came into the Country in private persons hands entirely blank and have been credibly informed that Bundles of them at a time have been hawked about the Country but to be more particular besides the Grand original Defect that they were issued by persons who not only had no power to grant them but were universally known to have no power I shall only remark the following defects in most of them 1st. These were taken out of the Office with the Date the persons names the situation of the Lands, number of acres and purchase money. Some or all of those left in Blank 2. They were not preceeded by regular surveys returned into the Secretary's Office 3. Many of them their dates filled up since his Majesties purchase took place 4th. The original Records from which they are supposed to be extracted plainly evince them to be fraudulent For upon Inspection it appears that many Patents of the date of 1725. 1726. & 1727. are there placed after Patents of 1729. 1730. and this not in one or two places but in many thō the pages of the book are regularly marked and no transposition appears.

Besides the defect above named the bad consequences attending the confirmation of those patents ought to be considered, of which I shall only mention two at present 1st The oppertunity it gives people of possessing what Quantities of land they please and of claiming what persons lands they think fit proper as the number of acres and dates have been and perhaps are still in their own power, for there is no knowing what number of them may still remain not filled up 2ndly the possessors of some of those Patents have persuaded some of the Crowns tennants in the other County to give up their own tenures of 2s ℔ 100 acres and take out these new Patents at 6d and 1s ℔ 100 acres as if they had sworn the distruction of the late Lord Proprietor now the crown Receiver, one of the principal Reasons why his Majesty purchased this province was that his subjects might possess land without any purchase upon paying an Easie Quit rent.

But if people may meerly by filling up a piece of Blank Paper call what lands they please their own they easily oblige strangers to buy of them and so intirely frustrate his Majesties Gracious Intention if one may judge of what is future by what is past.

The only appearance of argument thō by no means a solid one I have heard in favour of such of these Patents as are dated before January 1727 is the following clause in the Act for the sale of the two provinces. Except all such Tracts of land Tenements and Heredeterments, as have been at any time before the 1st of January 1727 Granted or conveyed by or comprized in any Grants, Deeds, Instruments or conveyances under the Common Seal of the said Lords Proprietors either in England or the Provinces aforesaid. This in the opinion of the Possessors of these Patents ratisfys all their Patents prior to that Date, But I can never be of opinion that this Act in any part of it ever intended to convey any Grants Deeds Instruments and conveyances which were originally Null and Void, and which they might date whenever they pleased especially when it is declared in the very next Clause that this Exception shall not extend to nor include, any forfeited Grants nor any Rents Services, Signiories or Rights of Escheat reserved upon or Incedent to any such Grants, after seriously considering the premises and attentively perusing my 39 Instruction which condemns most of them and other of my Instructions which his Majestie's service will not allow me as yet to publish and which includes all of 'em I did by and with the advice and consent of his Majesties Council erect a Court of Exchequer and afterwards issue a Proclamation by which I declared my Intention of ordering the Attorney General to vacate all those Patents and at the same time to allow innocent and fair purchasers the liberty of surrendering these

Patents to me and taking out new ones according to His Majesties Instructions upon which the Gentlemen principally concerned in these Patents did represent unto me that they conceived I understood my Instructions in too rigorous a sence and if they could be heard at your Lord^{sps} Board they might meet with more Indulgence I readily consented to their Request and have sent their memorial along with this Representation which as a faithful and sworn servant of the Crown I thought it my duty to lay before your Lordships that you might see at one view what can be said against as well as for these Patents and upon the whole beg the favour of your Lordships favour Commands what shall be punctually obeyed by

Your Lordships most, &c., GAB: JOHNSTON.

Rec^{d} August 2nd 1735.

[To the Board of Trade.]

My Lords [of the Board of Trade]

I lately received from N^{o} Carolina, the Copy of a Representation, sent by Gab: Johnston Esq^{r} Governour of that Province to Your Lordships which the said Gov^{r} Stiles The Case of the Blank Patents in North Carolina fairly Stated in behalf of his Majesty.

My Lords. After I had read and Considered this Composition, was greatly surprized to find my Successor had not fairly (nor indeed truly) Stated that Matter, very far from me, be the thought of Suspecting a Gentleman endowed with so much wisdom, & learning as M^{r} Johnston, should want knowledge therefore cannot refrain from mistrusting, he has too much an Eye to his own Proffitt, and this might induce him to frame the said representation in the manner it came to your Lordships, more than any vein of serving the King, That neither M^{r} Johnstons Sophistry nor Elegance may obscure the Truth from Your Lordship, I will endeavour for Your Lordships clearer Information to lay before you many Omissions and great defects in Gov^{r} Johnstons State of the Patent.

In the first paragraph and part of the 2nd M^{r} Johnston affirms that before the year 1724 the Land Office for the County of Bath was shut up &c This is very true and after the Late Lord Proprietors signified their Pleasures to Charles Eden Esq^{r} their then Gov^{r} of North Carolina (to whome I succeeded) on that head: there were no more purchase warrants issued, but as that Province had been many years grievously harrassed by long and dangerous Warrs, with the Indians; Some Persons who had taken out warrants for Lands, were afraid to fix in Bath County

during the said Warr; but when Peace and Quiet times succeeded to wars and Tumult part of the Proprietors of those Warrants required patents for the Quantity of Land Specified in their respective warrants, which was Unanimously consented to by Mr Eden then Govr and the rest of the Proprietors deputies the rest of the Possessors of these sort of Warrants were by different Motives deterred from Settling their Familys in Bath County, and therefore transferred them to others more Adventurous; who always obtained patents on those Warrants When a Survey was returned into the Secretary Office all this was well known to the Lords Proprietors; they had Yearly accounts of it; Yet they never forbid nor found fault with their Govr and Deputies for providing in that manner during the time I was their Governour I signed about twenty such Patents. Sr Richard Everard the last Governour the Proprietors had in No Carolina Acted in the same Manner, as Mr Eden and myself had done before him I cannot Imagine that either of us betrayed our Trust or Committed a fault in what wee did in this particular, but if any man differs in opinion from me he will find that all the Deputies and Councillors of the proprietors will fall under his Censure all the time the Proprietors held North Carolina the Governour and at least one half of the Council signed the Warrants and Patents I cannot help observing to your Lordship that Mr Johnston in the remaining part of the second paragraph doth not proceed with the Truth, and Candour, necessary in a matter of so great consequence which will appear by my Stateing the matter rightly. to illustrate and prove what he asserted in the first Paragraph and beginning of this he writes that in the Year 1724 &c Your Lordships may be pleased to Observe, that when the Lords Proprietors altered the ancient custom, and manner of Selling their Lands in Bath County, there never appeared any Purchaser to deal with them, on the terms they proposed because the price they fixed was double or Treble what land then and long since sold for, from one man to another in Bath County which I can prove by many Scores of Sales. In the Year 1724 I was Governour of North Carolina Mr Johnston must know this, but what reasons he may have for not taking notice of it, am yet to learn. At my first arrival in that Country I found the inhabitants were few in Number and inexpressibly poor I made it my Chief Study to increase the People and Promote trade, had the pleasure to find the method I used succeeded beyond my expectations the Daily Coming of People into the Country raised the Price of Lands insomuch that a Considerable number of Men were inclined to sell their Old Settlements and look for new in the desarts (in those days there was but a small part of the Province Inhabited) the project was very agreeable to me but a method how to put this in execution was necessary to

render it Effectual. After many Consultations, held with the most intelligent and experienced Men, I could not discover any better way than that the Assembly should present an Adress to myself, and Council, on that head; which was done and complyed with in the manner I formerly made known to your Lordships, when I sent you a coppy of this address, and the order of Council made thereon to which for Brevity I referr

Mr Johnston says that the Council did upon a second address from the Lower House of Assembly, venture to make a regulation by which People were allowed to set down and cultivate Tracts of Land &c I remember but one address on this affair and believe that was all Surely Mr Johnston must know that a Council without Concurrence of the Governour, could not make a Regulation to Allow People to Sett down and Cultivate Land. Warrants to the Surveyor could not be granted nor executed without the Governour set his hand to them therefore your Lordships may perceive Mr Johnston has prevaricated or at least concealed part of the truth, in the Account he has given you, I must allso take notice that Mr Johnston in Plain Inferrence mentions only two parts of the Legislature. Yet I know and well remember that the third was not sleeping at the Solemn and deliberate proceedings had, by the Other two parts on that Occasion, but was the life of the whole Mr Johnston Seems to Strain himself in closeing this Article to prove a Vast truth, which no man ever did or ever will contest.

In the next paragraph the Govr is not mentioned with the Council thō he ought to have his place at the head of the table according to ancient and modern usuage. the reason may be, because his Excellency cannot help owning that the regulation then made was very prudent and just this was adhered to all the time I continued Governour for the Proprietors; had it also been adher'd too in Sr Richard Everard's administration I do affirm it would not have prevented the one hundredth part of the confusion that happened during the Baronetts Government. I have given your Lordships ample and faithfull accounts of these matters in the Letters I had the Honour in former times to send you. If there is anything more to come to my knowledge. [I] shall be allways ready to make it known to your Board when you please to Command my Attendance.

It must appear Strange to your Lordships if you Seriously Consider Governour Johnston's Representation, that he take no notice of running the Line between Virginia and North Carolina because on this Article much depends when his Majesties Commands and those of the Lords Proprietors came into the two provinces, to fix the Boundarys according to an Order signed by the King in Council two or three orders were

made in the Council of North Carolina to sell Lands to defray that Expence there being no other way to Effect it, this was the true reason why S[r] Richard signed so many Patents in the Course of this Affair he kept an exact account of all the Patents he signed, the day when he signed them, to whome granted and for whose use and the nature of the Grant A Coppy of this Register I sent your Lordships After I had rec'd it of S[r] Richard I thought proper to compare that with the receivers. I found them to agree, but for my further Information required to see his day book (knowing he always kept one) which he readily produced and upon comparing them perceived all the Accounts to be within A thousand acres of one another as far as M[r] Little the receiver had gone for S[r] Richard had signed sixteen patents that remained in the Receivers hands for want of paying the purchase money, which Patents were never patented nor passed the seale.

It was always the method in North Carolina whilst the Proprietors held that Province for the Secretary to Acquaint the Governour and Council if he had occasion for Patents which were drawn in the usual form but a Blank left in the middle to be filled up with the Persons names the description and Situation of the Land Number of Acres and soforth which the Secretary for the time being, filled up when the Surveyor General or his Deputies made returns of Surveys this method did not seem to me regular but was never of any Ill consequence for as the Governours received A fee of two shillings and sixpence for every Fifty acres of Land Granted it behooved them to see that the Quantities mentioned in the Patents were no more than Specified by the Warrants. Moreover if any fraud had been attempted it might easily have been discovered in one or both of the Secretary and Surveyors Offices Purchase Patents were drawn in a different manner from those under the Grand Deed (as it is called) for the County of Albemarle S[r] Richard Everard always took ten shillings as a fee for every thousand Acres of Land granted by purchase and Patents and as he kept a very exact account of what he Signed it is not probable that he put his hand to any that he had not the Number of Acres sett down I made diligent Inquiry after these sort of Patents mentioned by M[r] Johnston that were so very blank but could never see one of them many Wittnesses were heard in Council to prove there were such on the Examination of M[r] Lovick their depositions & his answer were inserted in the first Council Journals I sent your Lordships. I think all that could be advanced on that head, was then urged against him, and he was allowed by all to have cleared himself. I have heretofore given Your Lordships my Opinion of the Transactions on this matter and truly informed you, who

had been the gainers thereby On this Occasion I hope your Lordship will excuse my Informing you, that after the Death of Mr Lovick and Mr Little they were found to be both very much in debt, and that Mr Lovick had not in ten years before, any Ways Improved his fortune; but lessened it Considerable as for Little tis doubted whether he left Enough to pay his debts it is not out of kindness, I say anything in their vindication pretending friendship both betrayed and perplexed me, and did me more Mischief than they could possibly have done Acting as declared enemies as to the defects Mr Johnston has found out in all or some of these patents it must lye upon him to Prove them Mr Johnston deals in Generals alltogether. I think he ought to have been more particular, named the guilty ones by themselves and not to put the innocent upon the same footing with them it is certain that many patents were filled up, and dated after his Majestys purchase which is very apparent by the records the Charge of running this line went away with all the money received for them. It may not be improper to acquaint your Lordships that the Secretarys in No Carolina ought to have recorded all patents that passed the Seal before they went out of their Office, but patents were often delivered without recording, altho the Deputy Secretary always incerted at the foot of each patent, Recorded [in] the Secretarys Office I myself possessed some that were not recorded in that Office Six years after they passed the Seal this fact will serve to Enlighten one dark passage in Mr Johnston's representation

I do not believe there are any patents that will cause the two bad effects Mr Johnston set down. it is almost five years since Sr Richard Everard ceased to be Governour, Surely cunning and crafty men would have placed their Patents, if any such they had, before Mr Johnston was a blessing to that Country, for many reasons more especially the following one. there were then more valuable lands not claimed than are now to be found all the plantable Land Upon Navigable Streams (not taken up before) being entered before I left that Country. When the line was running some few people in Albemarle County that held Lands at two shillings ℔ 100 acres did take out purchase patents on the same Lands at six pence ℔ 100 Which somewhat lessened the amount of the Quit rents What Sr Richard could plead in excuse to this I know not when Sr Richard ceased to be Governour A Stop was put to all Patents, and not one signed in all the time I was the Kings Governour, the reason is not unknown to your Lordships the Imaginary patents must be of very little value if the Crown Tenants in the other county would purchase them to save a few shillings yearly a very few of their patents are for more than six hundred and forty acres, but one with the other not

half so much for which reason could the owners of these Imaginary patents sell them to the Crown tenants and the Crown tenants give them at the rate of twenty years purchase for what they saved by the change the takers out of the Patents would not be reimbursed their charges. Notwithstanding Mr Johnston inveighs with great heat on this Article I am certain his suggestion is frivolous and trifling. I am afraid Mr Johnston will be deemed by grave men somewhat rash in asserting that one of the principal reasons Why his Majesty purchased that province was that his subjects might possess Land Upon paying an easy Quit rent, because the people in Carolina know that the rent now sett is fourteen times as much as they paid the Proprietors. Mr Johnston in my opinion has finished his paragraph in a Ridiculous manner therefore not worth answering.

Mr Johnston tells your Lordships in the following paragraph that the only Appearance of argument (thō by no means a solid one) that he has heard in favour of such patents, as are dated before January 1727 is a clause in the Act for the sale of the two Provinces, by this it appears to me his Excellency (if he deserves to be credited) has conversed with Ignorant men only since he got into America. in the former part of this Paper I presume there are some reasons given why not only patents before the year last named should stand good, but even those that were subsequent. it appears by what he lays down, that he would not have one patent be allowed he makes no Distinction between the Different kinds of Patents of which there are four sorts (vizt) purchase patents, common patents Under the Grand Deed. Lapse Patents and Escheat patents (all these he seems to endeavour to confound & destroy) in one common ruine, and Strip the People of their Possessions which a Part of them under great difficulties depredations and Slaughters hardly maintained by long and bloody wars against the Indians. it is no way requisite for me to trouble Your Lordships with anything relating to the aforesaid Act or Clauses, but as Mr Johnston proceeds to lay down the Ill consequences of blank patents he ought to make it first evident to your Lordships there are such who have them and how they came by them I could never get the Sight of any such althō as I remarked before in this letter, I made all possible inquiry.

I hope Mr Johnston crossed the Attlantick more fully Instructed how to Erect a Court of Exchequer than his predecessor.

Mr Johnston informs Your Lordships he issued a proclamation by which he declared his intention of ordering the Attorney General to vacate all these patents (they are his own words) Surely Mr Johnston ought to have Informed your Lordships what he means by these Patents

whether he would order the Attorney General to vacate all that were ever granted in that Government (being of four different kinds) or all the purchased Patents issued after any certain period of time he ought also to have made known to your Lordships the manner by which he proposed to accomplish his intention herein if he knows any other, than right or wrong to order the Attorney General to make the intended declaration to void all these indefinite patents without farther ceremony by word of mouth or by his own Proclamation. This manner of Proceeding if put in Practice would not have the effect he proposes to himself because it is incompatible with Law and Justice. The declaration of his Intention to order the Attorney General to vacate all these patents Appears to me rash and inconsiderate Its giving Judgement without hearing it will be an attempt if done to take away mens supposed or real properties and freeholds without due form of Law. The partys concerned will never submit to be Spoiled of what they think themselves Justly entituled to and possessed of before the usual tryals at Law are over and if they suppose even then Justice is not done them in North Carolina [they] will bring appeals into England. M^r^ Johnston tells your Lordships he will allow Innocent and fair purchasers the liberty of surrendering these Patents (without any distinction) to him, and take out new ones according to his Majestys Instructions This will be far from doing any kindness to the Innocent and fair purchasers Supposing M^r^ Johnston would out of his wonted goodness and generosity give them new Patents for all the Land they now hold. The Quit rents would be more than they are to pay by their present tenures and the charges of taking out the patents cost them a great deal of Money; the fees being more than doubled Since M^r^ Johnston was Governour May it not be reasonably suspected by these Innocent and fair purchasers that M^r^ Johnston might upon their surrendering be induced to make Grants to others of part or all the Lands so Surrendered or convert them to his own Use many good Brick and wooden Mansion Houses with Suitable out houses are built on many parts of these Lands. Orchids planted Gardens handsomely laid out, large quantities of woodland cleared, cultivated and fenced for Cornfields and pastures more than one hundred times the prime cost of the first purchase has been expended in buildings and other Improvements on Several of the plantations. M^r^ Johnston would have it thought the possessors have no right to enjoy, if these fine Settlements which are the most valuable in the whole Province are Surrendered to M^r^ Johnston he will be possessed of a power to give and grant them to whatsoever persons he pleases, which being duly considered, his intended allowance may prove a snare but cannot be construed or deemed a very great indulgence to the innocent and fair purchasers, whome it so nearly concerns.

My Lords the fear of Lengthening this Paper too much occassioned my omitting to remark on some trifles the faithful and sworn Servant of the Crown has incerted in his representation

I desire your Lordships will not look upon me as an Advocate for the man that dealt in Sales of Land or patents in North Carolina. it is well known every one of them were my declared Inveterate Enemys. I have been defrauded by some of these to a great value, basely belied and cruelly used, by them all they stick at nothing in carrying on and perpetuating their villainous designes against me. I am now in law with some of them have no Correspondence with any Man that can be taxed with that sort of Traffick

My Lords there is not so much Land possessed by purchase patents as Generally is thought, in North Carolina part of the purchasers upon bare Intelligence, and descriptions of Land by Indians and other Discoverers prevailed on the Proprietors Surveyor General and his deputies (for rewards) to make returns of Imaginary surveys of Land, that neither the purchasers or surveyors, that returned the Surveys into the Secretarys Office, ever set foot upon, and obtained Patents. Several of these patents proved useless to the Owners, by reason they did not know where the land lay, they claimed In one place ten thousand Acres were Settled by Warrants that I granted and althō the land was intended and pretended to be taken up, by a purchase patent, the Settlers laughed at that claim, and merryly demanded to be Informed of the descriptions and be shewn the lines of the Land so claimed The Settlers (by my Warrants) were never molested, nor disturbed in their possessions. Some lands were patented by two purchasers, and large tracts thō patented, not yet found out, nor never will because their Intelligencers gave them false and feigned descriptions. I can make appear to your Lordships that a third of the Acres in S^{r} Richard Everards accounts are not now held by the men, or any claiming under them that took out the purchase patents for that Quantity My Lords Several Gentlemen and Industrious Planters from South Carolina, and Other his Majestys Dominions on the Continent of America and from the islands, are Settled on Cape Fear River all or the Greatest part of the Land they possess is purchased.

After being at great Charges, and Expenses and the fatigues they have gone through, in removing themselves and familys; buying Lands building houses, and makeing Plantations, it will Appear very severe and unjust if they should be stript of what has cost them so dear and drove out of possessions they Expected to enjoy quietly during their lives and bequeath to their posterity when they left this world. Should so Unexpected an Undertaking be effected it must undoubtedly be esteemed very

cruel thō brought about by a Faithfull and sworn servant of the Crown for my own part I never Sold any land in Carolina claim none but what I fairly bought and paid for, and have a good right either to Keep or Sell His Majesties Quit rents may be augmented [if the grants made] by S^{r} Richard Everard can be vacated. Such an Addition will be an inconsidcrable Proffit to a great a monarch Should the said Patents be rendered Invalid many Innocent and fair purchasers would loose the Expected fruit of their Labours, and be half undone, many honest Gentlemen and good Planters be utterly ruined. There are no men to be found, Whom the sufferers could sue for recovery of the Money they paid if their lands are taken from them, they will consequently Loose all they have bestowed in Building and other Improvements. Should this great evil Come to pass in the days M^{r} Johnston Governs North Carolina, he would have the means, in his power of rendering himself Master and possessor of the best fortune, and Estate in that Province without cost or Labour.

By the Kings orders the three Commissioners of Virginia for running the Partition Line were paid for themselves their Attendants & Labourers two thousand pounds. The Commissioners for North Carolina were four. Their followers Equal in Number to the Virginians. all the Latter were paid out of the money received by the Sale of Lands. the four Commissioners that acted on the part of North Carolina deserved as much for their trouble and pains as the three [who] were employed for Virginia upon the whole if the Land sold for running the said Line be by law reassumed for his Majesties Use, and his Majesty (now possessor) of North Carolina pay the same sum of money to the North Carolina Commissioners that was Given them of Virginia the King would be gainer little or nothing.

I do not in this letter make use of any points or arguments of Law but am provided with material ones, which I shall be ready to produce, when your Lordships Command or the righteous cause I undertake requires.

Your Lordships tis hoped will give such directions in this Affair as may prove most conducible to render Ineffectual all fraudulent and unjust practices, of the dealers in patents and Sellers of Land, and that Your Lordships will have a tender regard to the Wellfare and fortunes of the many honest Men Governour Johnston I believe has an Inclination to deprive of their Estates.

I thought myself obliged to make known to your Lordships what is contained in this paper which is humbly Submitted to your Lordships Wisdom and Goodness by My Lords, &c.,

October the 13th 1735. GEO BURRINGTON.

[To the Board of Trade,]

The case or Representation of Sundry of the Inhabitants of North Carolina dwelling at Cape Fear River & the parts adjacent, on behalf of themselves & others who claim Land by Virtue of Grants under the seal of the Late Lords Proprietors of Carolina.

That the power of Granting lands in this Province hath always been exercised from the first settlement thereof, by the Governour & Council who having been the Lords Proprietors and Intrusted with full power as will appear by the Constitutions and their Lord^{ps} Rule of Government.

Their Lord^{ps} first Terms of Granting Lands being found too hard, they Intrusted John Archdale Esq^{re} one of the Proprietors & Governor of South & North Carolina about forty years ago to sell lands at twenty pounds ℔ thousand acres, reserving one Shilling ℔ hundred Rent but for Land that lay above one hund^{d} miles from Charles Town to sett the same at ten pounds ℔ thousand reserving sixpence ℔ hund^{d} Rent.

Pursuant to these Instructions or Rules of Governm^{t} the s^{d} Archdale Granted Sundry Tracts of land in North Carolina at Ten pounds ℔ thousand acres in the year 1696 as will appear by those Grants, or the Record of them now remaining in the Secretarys Office of this Province.

This method of Granting Lands was followed by the succeeding Govern^{rs} and Commanders in Chief until the arrival of George Burrington Esq^{r} His Majesties Govern^{r} of this Province in the month of February $17\frac{39}{41}$ as will appear by the Records in the Secretary's office of the several Grants passed by R^{d} Danial Tho Cary Will Glover Edw^{d} Hyde Tho^{s} Pollock Ch Eden W Reed Geo Burrington & S^{r} Richard Everard.

By Grants from some of the before named Govern^{rs} or Command^{rs} in Chief divers of us the Subscribers do possess & hold Land having paid Ten pounds ℔ Thousand Sterling or the value thereof to the Receiv^{r} Gen^{l} as purchase money the Rent reserved on Such Grant being sixpence ℔ hundred acres agreeable to those before mentioned Rules of Government Others of us do possess land on the payment of twenty pounds ℔ thousand acres Sterling or the value thereof paid to the Receiver General on a reservation of twelve pence ℔ hund^{d} acres Rent These Latter Grants being agreeable to Warrants since the Proprietors raised the Price of their Land as we Informed Thus the difference of Rent has been occasioned as the warrant Issued; If the warrant issued since the Propriet^{rs} raised the prize of the land the Rent has been twelve pence: But if the Warrant issued before that time then the Rent reserved in the Grant has been six pence ℔ hundred acres.

We never imagined that any dispute would arise concerning grants Issued before the arrival of Gov^{r} Burrington in February $17\frac{30}{31}$ For until new orders Should come from his Majesty (or from others in case others had purchased) We Humbly conceive The Acts of the Gov^{r} & Council being no other than what was always heretofore accustomed would remain firm and valid: This we had the greater reason to expect from His Maj^{tys} Known Clemency & Goodness: who in his Instructions to Gov^{r} Burrington directed only an accouut to be taken of such Land as had been granted since His Majestys purchase That such ord^{rs} might be given as Should be thought convenient for his service.

As the purchase money arising by those Grants that issued since July 1729 the time of His Maj^{tys} purchase was apply'd by ord^{r} of Governor & Council to defray the Charges of running the Boundary line between this Province & Virginia and other Publick services; We make not the least doubt, But His Royal Majesty will be graciously pleased to direct that the possessors of those lands may hold the same on the terms in the several Grants mentioned For it could not well be otherwise, but that some Grants would issue before the Notice of the proprietors sale could reach this Province and even after notice it would be difficult to determine what Act of Government should cease and what should continue to be Exercised That our hopes of holding such lands was the more strengthened in regard it will be made appear, That the money arising by such grants is not only paid to the Receiver General But by him apply'd & paid away by ord^{r} of Gov^{r} & Council as will appear by the several ord^{rs} of Council and the Receiv^{r} Gen^{l} original acco^{ts} now ready to be produced.

We do not only find the Grants before mentioned like to be disputed; but to our great astonishment those Grants that were issued before His Majestys purchase are like to be called in question; althō by the tenor of the Act of Parliament by which His Maj^{ty} purchased all such lands are excepted as passed the seal of the Province. The calling these Grants in question is what we gather from the purport of the Quit Rent Bill as amended by the Council, and one other Bill proposed by the Council as also by sundry Proclamations & advertisements and the erecting a Court of Exchequer &c.

As the Interest of so many of the Inhabitants of this Province was concerned in these attempts to vacate their Grants, several mesne Conveyances having been passed from such Grants, and thereby many people their Children & familys like to be involved in so great a Calamity; We thought it our duty to apply to his Excellency our Governor, That no farther proceedings might be had to our prejudice, until we had the

oppertunity by applying to yo^{r} Lords^{ps} to procure a more favourable Interpretation of the Royal Instruction, which here in our Humble opinion was endeavoured to be stretched beyond the true meaning This being granted by the Gov^{r} We humbly pray your Lord^{ps} to Judge of our Case as before truly represented.

We thought ourselves exceedingly happy in being more Imediately under his Majestys Governm^{t} on the Proprietors sale of the Province We expected that the lands of the Province would have been Granted in the same terms and after the same manner as in Virginia the lands in that Province being much more Valuable (occassioned by the good navigation) than its possible they will ever be in this, where the navigation is so bad, and the lands in general much worse. Instead of this, we find the rents not only enlarged for the future and much larger Fees taken than ever were heretofore. But an attempt made here (as we think contrary to the Royal Intention) to vacate those Grants that were passed before his Maj^{tys} purchase: Should such an attempt take Effect it must be our Humble Opinion very severe and afflicting in regard so many persons are concerned by original purchase mesne conveyance or otherwise We who have at very great Loss & Impoverishment of our Estates removed into this new Country and endured much Fatigue and hardship in promoting the settlement of this place; who have Actually and Bona Fide paid our purchase money for lands (besides Fees to the Officers) and those moneys truly paid away pursuant to ord^{rs} of Council and the proprietors ord^{rs} have some reason to be under no small concern when we find attempts to vacate them by Wresting the scence of the Royal Instruction.

The principal objections that we think are possible to be made against the validity of the Grants, may be reduced to two heads viz^{t}

First the want of power in Grantors.

Second, The frauds, or Injuries committed by such Grants As to the First; Besides what has been before expressed we desire your Lord^{sps} may be informed, That the Notoriety of the land office being shut (as is sometimes urged here) is not so in fact; it having always been the received opinion that were the moneys received by the Prop^{rs} paid, or an Equivalent thereto as divers of their Instructions intimate Grants were to pass of course and whatever clog might be thought to arise from any of their Instructions it was the prop^{r} care of the Government & Council and not of the people; nor were such Instructions ever construed to extend to bar grants from issueing for any lands that were claimed by virtue of Warrants issued by Tho Cary, W Glover E Hyde Tho Pollock & Charles Eden, prior to those ord^{rs}, and accordingly Grants issued from

time to time by several Gov^rs & Commanders in Chief for such lands as were claimed by virtue of those warrants, w^ch according to the dates of them were some at six pence ℔ hundred rent and some at twelve pence what was transacted by the Council & assembly in 1724 only intended lands to be granted by future warrants but no ways respected such lands as were claimed by those prior warrants this will evidently appear not only by the constant practice (as is before mentioned) of the several Governours Granting Lands on such warrants But even the same Gov^r Burrington in whose time the Transaction passed between the Council & Assembly he continued after that to issue Grants for those lands as were at divers times claimed by virtue of those prior Warrants, which practise was also continued by his success^r S^r Richard Everard, until the arrival of His Majest^ys Governor without the least objection (that we know of) being made thereto

And if others have issued by ord^r of Council to raise money to pay such salarys and sums as were appointed by the prop^rs to be paid and for their service; even such we conceive ought not to be vacated in regard the prop^rs were duly apprized of the publick transactions by the transcripts of the Council Journal constantly sent them; wh^ch the Prop^rs were so far from contradicting that they never shewed the least displeasure at such their doings. On the contrary it manifestly appears to us that they approved thereof in the care they took in their Treaty for a surrender or sale of the Province; to except all such lands as had passed the seal of either of the Provinces Besides as we have before hinted we think it ought rather to come und^r consideration how far the Governor & Council were answerable to the Prop^rs for such an exercise of power, in case they had exceeded their Instruction, rather than to Involve in so much ruin & confusion, so many Innocent persons, their Families widows & orphans who claim by such grants or by mesne conveyance therefrom. On the whole we are persuaded yo^r Lord^sps will be of opinion that this Article, Viz^t The want of power in the Grantors is no ways Insisted on by the Royal Instruction but has been lately made use of here; finding so little could be made of the Frauds and Injurys so much talked of For if the want of power (admitting it so) were sufficient, there had been no occassion to have mentioned any other methods, as the want of forms &c accordingly to that known maxim, Frustra fit per plura quod Fieri potest per pauciora

Concerning the second head we are sensible that much talk hath been in this Province, and representation made at home touching Blank Patents &c. on which ord^rs have been sent for an Enquiry to be made into such Frauds This has produced a regular Enquiry before his Maj^ty

Governor at the Council Table; to w^{ch} the secretary (whose business it has always been to be prepared with proper vouchers for his issueing grants) made an answ^{r} to the full satisfaction of his Maj^{ty} Gov^{r} & Council; and since the arrival of the pres^{t} Governor Proclamation have been issued; persons appointed to Enquire into Frauds Courts Errected and held and other methods used but not the least sign of any fraud has appeared, and here its proper for us to beg leave to represent unto yo^{r} Lord^{ps} the method that has been used in this Province (time out of mind) in issuing Grants. Blank Grants were lodged in the Secretarys Office, which the secretary caused to be fill'd up, as they were demanded; if the lands were taken on arrival of Rights Viz^{t} 50 acres for each person that came to settle in this Province, the secretary kept the proof of such Right or Entered it under the Grant for his Voucher, if on purchase, then the Receiver Generals Recpt. Something was offer'd about the year 1718 to prevent the signing blank Grants as usual but at a Council held

1718 M^{r} Eden being Governor and M^{r} Knight Secretary, it was then the unanimous opinion of y^{e} board that Grants should be signed blank as will fully appear by that order of Council; and that without the least view or intention of fraud nor can we well conceive how a fraud could be committed, without its being very easily detected, in regard the secretary, if called upon, was to produce his vouchers, and it would be very easy to detect such fraud if any by comparing the Records in the Secretarys Office with the Receiv^{r} Gen^{ls} acco^{ts} the one being a Check upon the other

Grants being signed in the manner as before set forth some were issued at Sixpence ℔ hundred Rent and oth^{rs} at twelve pence, according to the date of the Warrants and others to raise money given by the prop^{rs} for pious uses and some for defraying the Charge of running the Boundary line between this Province and Virginia, and the prop^{rs} duly apprized thereof by the Council Journals sent home to them Whereupon we humbly hope that yo^{r} Lord^{ps} will be the means, that the possessors may be quieted in their Titles, if the purchase money shall appear to be paid to the Receiv^{r} Gen^{l} as we doubt not but the same will be evident, as well by the Receipts as by the Receiv^{r} Gen^{ls} acco^{ts}.

The frauds committed by Grants being signed blank may be of two sorts, the first respecting the moneys paid or numbers of acres granted the other in Case those Grants were fill'd up for lands Justly claimed by other persons and as so much noise had been made at the last assembly both within doors and without some who were members of assembly being very desirous that such abuses should be detected, proposed two clauses to be added to the Quit Rent Bill, the one to Vacate all such

Grants as had been issued without the number of acres Incerted & such as the purchase money had not been truly paid and in that Clause the most Effectual method was propos'd to make the discovery by Interrogating the partys and Examining witnesses on oath before the Governor and Council or in any other Court he should appoint, The other clause was to Vacate all such Grants how regular so ever issued, that had been laid on Land justly claimed by others: by those two Clauses added by the assembly frauds & Injurys of any sort would have been Effectually remedied. But those two Clauses were Rejected by the Council without any offer of amendment in Case they had been thought in any part defective.

Much discourse has been here concerning the Essential requisite forms of Grants &c with Humble Submition we und^{r}[st]and those principally to consist in: the Consideration money, number of acres Reserved Rent, and date But whether the name was incerted or the Exact description of the lands at the time of their being signed & seal'd we think is not material in Case those were incerted before registring; the registring them in the Secretarys office being the last requisite to their being perfect & compleat and not the time of signing & sealing, which as we have before shewn used to be blank.

As to frauds in blank Grants being issued in such a manner as to leave the party possessing them room to incert more acres than were intended, We solemnly declare we Know of no Grants issued without the number of acres and purchase money incerted nor do we believe any Such has been other than what is mentioned in that transaction w^{ch} was before the Govern^{r} and Council conformable to his Maj^{tys} Royal Instructions to Govern^{r} Burrington; whereto the Secretary made such answ^{r} as the Go^{r} and Council unanimously acquitted him.

We are informed that it is suggested some blanks are still Extant but as we know of none so we think were there any such the frauds by them committed, as well as what has been already committed (if any) will be very easily discovered by the method proposed by the late Assembly we surely trust yo^{r} Lord^{p} will not be of opinion that because there is a possibility (and we think it is but barely such) of frauds that may be committed; Therefore all promiscuously shall be vacated. We do not become suiters to yo^{r} Lord^{ps} that any other Grants may be supported, But those that were at first issued with the consideration money number of acres & Reserved rent incerted before the arrival of His Maj^{ty} Governor and for any frauds that may have been committed by claiming Lands otherwise than according to the tenor before mentioned we shall readily consent to any method that shall be proposed for the discovery

thereof; as also to relieve all such persons as have been really injured by any Grant whatsoever What we have before related being the truth of our Case, we know not what Inducements may be offered to yo^{r} Lord^{ps} towards vacating such of our Grants as have been completed in the manner before set forth; unless it should be that by vacating those Grants and the persons being oblig'd to take out new ones at a Higher Rate an increase will be thereby made to His Maj^{ty} Revenue. We can scarce Imagine such a suggestion will be made it being far from our thoughts, that yo^{r} Lord^{ps} would be a means of increasing the Revenue of so Potent and Opulent a Prince (perhaps £150 ℔ annum that being the Utmost advance we think will be made thereby) at the Expence, great damage & perhaps ruen of so many of his Maj^{ty} dutiful subj^{ts} who have with so much Expence Loss and damage seated themselves in this new Country and who have actually & Bona Fide paid their money for the same; the regaining of which sums we conceive to be Impracticable after they have been paid away and accounted for by the Receiver Gen^{l} pursuant to the prop^{rs} ord^{rs} and ord^{rs} of the Governor and Council.

This its possible may be used as a motive to have these Grants vacated. thō in reality it will miss having any such Effect much of the lands now held by those Grants being so very poor and mean as not to be worth the taking as the new terms whereas by the present tenures the rents will be rather encreased by such a small addition Perhaps the gainful prospect of a great number of fees to the several officers on the Issuing new Grants for those Lands (which Fees have been prodigiously encreased of Late without any & contrary to law) not a little contributes to the stir which is made in this matter But as we trust Your Lord^{ps} will not think of any increase to be made to the Revenue by such a rigorous and severe proceeding in a matter transacted before His Maj^{tys} purchase took place here; so we promise ourselves that you will disappoint the Expectations of those who propose to Enrich themselves by such Extravagant Fees at least if not by taking some of the lands of those persons who have done and suffered so much towards the settlement of this part of the Province.

We have understood that many untrue suggestions have been made to our prejudice in England of very great quantitys of Land held in an Illegal & Clandestine manner by the Inhabitants of this place & particularly that Col Morris Moore and Roger Moore Esq^{r} have each one hund^{d} thousand acres A wicked and Untrue suggestion so far from truth that upon the best Enquiry we can make all the Inhabitants of this River do not in the whole hold one hundred thousand. We the subscribers who are the principal Inhabitants, upon a Strict Examination find that ourselves and those our relations and friends do not hold or claim by our

Grants more than about seventy five thousand acres of w^{ch} about twenty thousand are since his Maj^{tys} purchase and even of those before the purchase about fifteen thousand are so Wretchedly poor, that we shall readily part with them rather than to hold them on a higher rent than our Grants specify and as our familys and those und^{r} our care consist of near twelve hundred souls yo^{r} Lord^{ps} will easily discern how much the settlement of this place and the Increase of its Trade is owing to us; so that were the lands given to us clear of any Rent His Majesty would be no Looser seeing so great an Increase of his Revenue has been promoted by the settlem^{t} of this place and the Encouragem^{t} the Trade has met with from us and our friends without which even at this time scarce one vessell in Ten would be timely dispatched. So far are we the subscribers, our familys and friends from holding such great Quantitys of Rich Land, as we are told has been (untruely) suggested. That thō we are about 1200 persons in our familys, we do not hold so much good land as his Maj^{tys} Officers in this Province and claim to hold by themselves and their Friends, althō they scarce am^{t} to one tenth of the number of persons in their Familys

JOHN PORTER	JN^{o} SWANN	M MOORE
EDW^{d} HYRNE	SAM SWANN	THO^{s} JONES
	J DAVIS	NATH^{ll} MOORE
Rec^{d} Oct 21st 1735		JN DAVIS

Dra^{t} of Two Clauses propos'd to have been inserted in the Quit Rent Laws of North Carolina

Whereas his Majesty by his royal instructions to the Govern^{r} has bin Pleased to Direct him to enquire whether any Grants of Lands have been made in N^{o} Carolina & to whome, without authority from his Majesty since he purchased y^{e} interest of several of the Lords Proprietors of that province w^{ch} was on y^{e} 25th Day of July 1729 That his Majesty may give such orders therein as shall be thought convenient for his Servis which Instruction shall be fully comply'd with by the method in this Act Prescribed for registring the Several pattents or grants whereby Lands are claim'd wherefore until his Majestys royal pleasure is made known concerning such grants

Be it Enacted that all such persons who hold or claim any Land by virtue such pattents or grants who have actually p^{d} y^{e} purchase money for the same to y^{e} late Lords Proprietors Rec^{r} general shall be noways Molested in such their Possessions or titles untill his Majesty shall be pleased to signifie his Royal pleasure concerning y^{e} same and if his Royal pleasure shall be Declared against them, then such persons shall be admitted to have y^{e} preference before any other person to take up y^{e}

same on such terms as his Majesty shall be pleased to Direct, Provided Nevertheless that it shall be Lawfull for any person that had any Lawfull claim to any of those Lands before they were so granted to apply to His Ex^cy the Govern^r and Council by Petition setting forth such his claim and on a full hearing of both parties & their Evidences it shall appear that the Right was in the party claiming the Grants in such case shall issue to y^e Claimant and whereas it has bin suggested that many frauds have been Committed in y^e late Secretaries and Rec^r Generals Office by issueing or passing blank Pattents or grants of land for raising Money to Defray the Charge of running the boundary line between this Province & Virginia, w^oh Pattents or grants may have been filled up for great quantitys of Land for y^e better discovery of such frauds if any Be it enacted that soe soon as any pattents or grants of Land are recorded pursuant to this Act that his Excell^cy the Govern^r and Council or the General Court, or any other Court in this Province such as his Excell^cy the Govern^r shall Direct, hath full Power and authority within one year after the recording such patents or Grants to concerne such persons as are or shall be suspected of such frauds and by interrogating such persons and the Examination of Witnesses on Oath to make a Due enquiry into such practices and if upon such Inquiry it shall be found that any person hath obtained a pattent or grant without the number of acres specifi'd therein at the same time of obtaining the same or without payment of the purchase money for y^e same such pattent or grant is hereby declared Null and Void.

Certifyed to be a true Copy. S. R. MOON

N. CAROLINA—ss.

Memorandum that on this 19 July 1735 before me Thomas Clifford Esq^r one of his Majestys Justices assigned to Keep the peace in New Hanover precinct, The Honourable Roger Moore Esq^r one of his Majesty's Honourable Council for the province aforesaid being first sworn on the Holy Evangelists, doth depose that on the other side is a faithful exemplification of the two Clauses offer'd by the Common House of Assembly on the second Reading of the Bill for settling his Majestys Quit Rents and perfecting a Rent Roll; and which were rejected by the Council. Sworn before me the day & Year first above written

T. CLIFFORD.

POLAND STREET the 28^th Oct 1735.

MY LORDS,

Your Lordships seem'd last Thursday desirous to see a Blank patent; or (to write more properly) the draft of a Patent as sign'd in the Coun-

cil of North Carolina before His Majestys purchase, and left in the Secretarys Office to be compleated by him, after the Surveyor had made a proper return, and the Receiver General given his receipt for the consideration money sixteen of this sort of patents or drafts were in the custody of Mr Little Receiver for the late Lords Proprietors, that were neither filled up, nor had the seal put to them every one of them were set down in Sir Richard Everards list of patents he signed after the Kings purchase a copy of it was formerly sent your Lordships I suppose these unfinisht patents still remain among Mr Littles papers, and when the day book, I mentioned to your Lordships is required these drafts of patents may be demanded. It is very probable some may allso be found in the secretaries Office; Major Robert Foster who was Deputy Secretary to Mr Lovick continues in the same employment under the present Secretary this Gentleman, usually wrote the unfinished patents, and is able to give a perfect account, of all that was done in the Secretarys office, and in the Council dureing the whole Time, Sir Richard Everard was Governour of North Carolina. Your Lordsps (I presume) will be better informed of these matters by hearing the Depositions taken att Mr Lovicks examination, and his answers, read to you, than by anything I can write or say My Lords, &c.,

GEO BURRINGTON

[B. P. R. O. North Carolina. B. T. Vol. 11. B. 48.]

[Form of a blank patent, &c.]

His Excellency, John Lord Carteret Palatin, and the rest of the true and absolute Lords Proprietors of Carolina.

To all to whom these Presents shall come Greeting in our Lord God everlasting, Know ye that we, the said Lords and absolute Proprietors for and in consideration of the Sum of six pounds eight shillings in hand paid to our Receiver General by Eleazar Allen Gent, do hereby give, grant, sell alien enfeoff and confirm unto the said Eleazar Allen a Tract of Land containing Six hundred & forty acres.

To have and to hold the said Land with all Rights & Privileges of hunting hawking fishing & fowling with all woods, waters & rivers, with all Profits Commodities and Hereditaments to the same belonging or appertaining (except one half of all gold and silver mines) unto him the said his heirs and assignes for ever. Yeilding and paying unto us our heirs and successors yearly every Day of the Fee rent of for every hundred Acres hereby granted to be holden of us, our heirs and successors in free and common Soccage

Given under the seal of the Colony this Day of Anno Domini.

Witness our Trusty and welbeloved Sir Richard Everard Baronet Governor of North Carolina and our Trusty and welbeloved Councillors who have hereunto set their hands. Signed

RICH^{d} EVERARD

E. MOSELEY
GALE
EDW^{d} GALE
J. WORLEY.

J. LOVICK
RICH^{d} SANDERSON.
ROBERT WEST.

Received the purchase money for the Lands within mentioned ℔ me signed W^{m} LITTLE Rec: Gen^{l}

(Endorsed)

Form of a blank Patent for Land in North Carolina signed and sealed; copy'd from the original annexed to other papers transmitted from North Carolina, under the great seal of the province to Henry M^{c}Culloh Esq^{re}

Case of the Blank Patents in North Carolina with some Queries & the Opinion of the Attorney & Solicitor General thereupon.

When the soil of North & South Carolina was by Charter or Grant vested in the Lords Proprietors they impowered their Governors under certain Regulations & Restrictions to dispose of Lands and to give Grants for them under their Seal, the money to be applied according to their Directions; As the Lords Proprietors found by Experience that an ill use was made of these Powers, on or before the year 1724 they ordered their Governour in North Carolina to shut up the Land Office which was a Prohibition to the Governor from granting any more Lands unless by order of their Board in London, and in that Case the lands sold should be at Twenty Pounds sterl: per thousand Acres the money to be paid to their Lordships in London. When notice was given of this in the Colony the People complained much of the Lords Proprietors advancing the price of Lands upon them, and the Officers appointed by the Lords Proprietors thought themselves much injured by this Regulation as they imagined it would prevent the sale of lands, their Salaries being paid from that Fund, however this Prohibition to grant or sell Lands in North Carolina was never removed untill the Crowns purchase notwithstanding of which some leading Men in the Province & Officers of the Lords Proprietors combined together and by a long train of

Artifices and Threats prevailed upon the weaknesses & necessitys of Sir Richard Everard (thō it was never pretended that he had any more power than his Predecessors to grant lands) to sign Patents with the Consent of Council upon various Pretences, the principal of which was in the year 1728 when the Boundary Line was run between North Carolina & Virginia, he granted Patents for lands at the rate of Twenty pounds per Thousand Acres in order to pay such persons as were concerned in running the Line by the sale of those Lands the money to be paid them in consideration of their Trouble & Expence in running the Boundary Line amounted to no more than Two Thousand Pounds Ster: so that in course he ought not (provided he had had a Power) to have issued Patents for any more than one Hundred Thousand Acres of Lands but under the Colour of that there were Patents issued for four Hundred Thousand Acres, The Boundary Line between North Carolina & Virginia was finished in Nov^{r} 1728 the King purchased that Province in July 1729 most of the Patents issued by Sir Richard was after the Kings purchase, but before any Gov^{r} appointed by the Crown arrived in the Colony.

The aforesaid Patents for four hundred thousand Acres were granted by Sir Richard Everard in the most open and barefaced manner, being drawn up in form signed & sealed, But the persons names, the number of acres, and Description of the Boundary and the sums paid for them were left in Blank & remained so in the Secretaries Office, from whence they were issued disposed of and filled up, just as the Lords Proprietors Officers thought fit; It is to be remarked here, that besides the Original defect of the Gov^{rs} not having Power to Grant such Patents they were deficient in all the Forms requisite being taken out of the Office with the Date, the Persons Names the situation of the Lands, number of acres & purchase money some or all of these left in Blank, that many of the Dates have been filled up even since His Majesty's purchase and that few of them are preceeded by regular Surveys returned into the Secretarys Office which is a thing that ought to be observed in the strictest manner as there is no other way of detecting Frauds and preventing many Inconveniences that naturally attend it.

What the People of the Colony have to alledge in their Vindication is that most of them have paid a value for those purchased Patents (as they term them) either by taking them out themselves or holding them by Mesne conveyances that if the Lords Proprietors servants exceeded their Power it would be very hard upon them to loose their Property in the Lands, that thō these lands are sold in the manner above described contrary to the orders of the Lords Proprietors yet their Lordships very well knew what their Officers were doing, the Minutes of Council being

transmitted regularly to them, and that the money was applyed to their use, which as the people alledge their Lordships did not signify their displeasure at; that some of the Patents granted after the Land Office was shut, was by virtue of Warrants formerly issued by the Lords Proprietors Officers which had lain by for a considerable time, That it was at all Times the Practice of the Colony for the Governor to sign Patents or Grants with Blanks to be filled up, and that they judged it only necessary to mention the consideration money number of acres reserved, Rent and Date, but whether the persons names were inserted on the exact Discription of the Lands, they did not think it necessary before Registring them, that being the last thing requisite to make them perfect, that when the Lords Proprietors sold their Property in the soil to the Crown there was a Clause inserted in the Act for the sale of the two Provinces of North and South Carolina, that all Patents dated before the 1st of January 1727 being granted, conveyed in any Grants, Deeds Instruments or Conveyances under the Common Seal of the said Lords Proprietors either in England or the Province aforesaid should remain Good.

The Governor in answer to these assersions of the People alledges, that they obtained their Patents by a shamefull collusion with the Lords Proprietors Officers which plainly appears from their Patents being taken out of the Office, with Blanks to be filled up that they were not preceeded by regular surveys returned into the Secretaries Office which is an (essential requisite) that many of the Dates have been filled up since his Majesty's Purchase the original Records from whence they are supposed to be Extracted plainly shew this for upon Inspection it appears that many Patents of the Dates 1725 1726 & 1727 are there placed after Patents of 1729 & 1730 That by such means they may still have it in their Power to take up Lands, that the People of the Colony cannot with any Colour of reason plead ignorance as it was publickly known that the Lords Proprietors had by repeated Orders directed their Governours not to grant any more lands, & that the principal reason of this Prohibition was on Account of the Frauds they committed in issuing their Patents, that by those Fraudalent methods they have engrossed all the rich lands at the entrance of the Rivers by which means new settlers are much discouraged in being obliged to purchase those Lands from them at exorbitant Prices, that if it is his Majesty's pleasure to give them the preference in taking out new Patents for their Lands subject to the Quit Rents of four shill: Proclamation Money ℔ Hundred Acres he thinks they have no occasion to complain, that thō the Lords Proprietors did in the sale of the said two Provinces of North and South Carolina to the Crown, confirm such Grants as we made under the Com-

mon seal of the Lords Proprietors yet we could not imagine that it was intended to confirm any Grants, Deed, Instruments & Conveyances which were originally Null & Void and which they might date whenever they pleased, especially when it was declared in the next Clause, that this exception shall not extend to nor include any forfeited Grants nor any Rents Signories or Rights of Escheats reserved upon and incident to any such Grants.

N. B. The Quit Rents of most of the Patents under the Lords Proprietors are at 6 Pence and one shill: per hundred Acres. The Quit Rents under the Crown are at four shill^{s} Proclamation Money ℔ hundred Acres str: Q. Whether any of the Patents Granted after their Lordships had ordered the Land Office to be shut up can be deemed valid other than such as were granted by Order in London.

We are of opinion that such patents may be good notwithstanding that order to shut up the Land Office If the Lords Proprietors were either made privy to those Grants or after they were made Received the Confederation for them otherwise we think they cannot be supported.

2^{d}. Whether such Patents as were granted after the Kings purchase by the Lords Proprietors Governour before the new Governour's arrival from the Crown particularly such as appears to have been entered in the Secretarys books after advice received in the Province of the Kings purchase are to be deemed good.

We are of opinion that none of the Patents mentioned in the 2nd Q. can be deemed good.

3rd Whether as the Act of Parliament made upon the Crowns purchase from the Lords Proprietors, that clause in it that was for quieting Possessions of Grants takes notice of such only as bore date before 1727. If it does not give room for a strict examination into all such as were issued subsequent to that time, and if such Grants appear to have been irregularly made they ought not to be voided but as to such as were granted for defraying the Expence of running the Boundary Line, if the Crown in such case ought not to bear that Expence.

We think it proper to observe that the clause referred to in this Q. does not put it upon the Patents bearing date but being actually made before 1 Jan^{ry} 1727 & considering the extraordinary circumstances attending these Grants and that the Crown had no notice of them at the time of the purchase there is great reason for a strict inquiry into the validity thereof, and to avoid them from such Irregularities. But as those that were granted for defraying the Expence of the boundary line seem to stand in a much more favourable Light we think it reasonable some indulgence should be shewn to such purchessors, by regranting on the

Terms of the purchase what they or their assigns here actually cultivated and by repaying a proportion of the consideration money for the Rest.

4th Whether such Patents were drawn up and signed with Blanks and not registered in the Secretaries Office for some years afterwards shall be deemed good and if their not being registered is not an Evidence of Fraud.

We are of opinion that in general such Patents as were executed with such Blanks as are mentioned in the Case thō filled up afterwards are void; But if they have been attended with a long possession and not obtained fraudulently or irregularly in any other respect we think they ought to be now supported: and as to the circumstance of not being registered in the Secretaries Office for some years afterwards, it not being stated how far or within what time such registring is there necessary to the validity of such grants, nor for how long it was neglected we cannot form any Judgement what influence that will have upon the Patents.

5th Whether such Patents as were given out, without any discription of the Boundaries, and not preceeded by regular surveys, returned into the Secretaries Office are to be deemed Valid.

We are of opinion that the want of a Discription of the Boundaries or of preceeding regular Surveys is not of itself sufficient to destroy such Patents unless such circumstances were the known Requisites necessary to such Grants, and even in that Case if the Proprietors have had the Consideration and the Lands have been enjoyed accordingly without Fraud we think such Grants ought to be declared Valid.

6th Whether those Grants issued by Virtue of Warrants that had lain by many years are to be deemed good notwithstanding the Grants assigned them were taken out irregularly and particularly those after 1727.

We are of opinion that the circumstance of their having been Warrants many years before the Grants issued is not of itself sufficient to support Grants that would otherwise be irregular and void, thō upon the general Question of Fraud that circumstance may probably be of service to the Grantees according to the particular circumstances of each case and whether such Grants issued before or after the year 1727.

7th As it is alledged by the Governour that many of the People that hold lands by virtue of the Patents formerly granted under the Lords Proprietors Possess much greater Quantities than they ought to hold by the said Grants, has not the Crown a power to resurvey such lands and in case any Frauds should appear what steps must the Crown take to recover its right.

We are of opinion that whoever possesses a much greater Quantity than they ought to hold by words of a Grant made since 1 January 1727 is liable to have the same resurveyed on behalf of the Crown But as

to Grants made before 1727 upon surveys actually made we apprehend (if they were otherwise good in Law) they are excepted by the Act 292 out of the sale to the Crown and therefore not liable to be now resurveyed. And as to such cases wherein a resurvey is proper and yet the Grants are valid in Law, we are of opinion that the proper remedy is by information in the name of the Attorney General of the Province in a Court of Equity there in order to have the real quantity set out and the excess pared off for the Benefit of the Crown.

8th In case any of these Grants appear to be voidable in Law, what is the proper method to have the same vacated.

We are of opinion that the proper method for the Crown to recover its Right (except in the instances mentioned in the answer to the last Qr) is by an Information of Intrusion in the proper Court of the Province and in case of error there by appeal to his Majesty in Council.

D. RYDER.

11th Febry 173$\frac{7}{8}$ J. STRANGE.

Petition of Mr Wragg, Agent for the Assembly of North Carolina to the Lords Comrs for Trade & Plantacons; praying for Copies of their Lordps Orders, Representations or Directions in relation to the case or representation of ye Principal Inhabitants of that Province at Cape Fear River and parts adjacent, who claim lands by grants under the seal of the late Lords Proprietors of Carolina, & presented to this Board some time since.

To the Right Honble the Lords Comrs for Trade and Plantations.

The Humble Petition of Saml Wragg, London Mercht sheweth,

That some time since your Petitioner had the honor in person to present to your Lordships at the Board, the Case or Representation of sundry of the Principal Inhabitants of North Carolina, dwelling at Cape Fear River and the parts adjacent, on behalf of themselves and others who claim lands by virtue of Grants under the Seal of the late Lords Propris of Carolina.

Relating to their Titles and Grants under the late Lords Proprietors antecedent to the arrival of His Majesty's Govr there in Febry 173$\frac{9}{1}$ and the erecting Courts there to question the validity of such Titles and Grants, the increase of rents now demanded, the successive Fees taken on new Grants, and other matters wherein the properties of great numbers of his Majestys good and faithful Subjects are rendred extremely precarious, according to the strained Construction which had been put upon some of His Majestys Instructions to his Governor.

And therefore humbly praying your Lordships consideration of their Case, and such Explanation of the Governors Instructions as might tend to quiet the minds and Possessions of the Inhabit^{ts}, under their great & general Calamity.

That as this was a matter of the utmost Consequence for the Settlement and repose of the Country, and was a continual subject for uneasiness and complaint, your Petitioner who is furnished with a power from the Assembly of North Carolina, did attend your Lord^{ps} with the said Case or Representation, and several times afterwards, at your Lordships Office, to Enquire what proceedings were had therein.

But by some very unusual accident in the office it so happened (as your Petitioner was informed) that the said Case was somehow mislay'd, so as not to be found.

Since which time your Petitioner hath not had the least notice that your Lordships were proceeding thereon, and therefore hath not given your Lordships any trouble in that matter, presuming that the said case had been totally lost.

But within few days past your Petitioner has learnt that your Lordships have retrieved the said Case, and that your Lordships in your great justice and goodness, have some thoughts of putting the People there under some security, The want whereof hitherto, hath given them very great concern, and been one of the Great Causes of the present uneasinesses in that Country.

That your Petitioner most humbly apprehends that the quieting the Titles of the People, and settling the rate and manner of paying their Quit rents, and other relief, prayed by the said Case, will every way promote the service and interest of his Majesty, the settlement of the Country, and the quiet and tranquility of the People; matters which your Petitioner rests assured, your Lordships have very much at heart.

But forasmuch as the relief designed, in any way, by your Lordships to the People, may not have all those good Effects, which your Lordships propose, unless the People are put into some state of security by being apprised how far and in what degree your Lordships think they ought to be secured & relieved,

Your Petitioner most humbly prays your Lordships to allow him Copies of your Lordships Orders, Representations or Directions, which your Lordships may have made, or shall make in relation to any of the matters comprised in the said Case or Representation.

And your Petitioner (and indeed the whole Province) will be ever bound to pray etc T. WRAGG.

Recd: July 12th 1738.

[B. P. R. O. B. T. JOURNALS. VOL. 48. P. 10.]

BOARD OF TRADE JOURNALS.

Tuesday January 24th 173⅞.

Present Lord Monson.

Mr Pelham	Col. Bladen
Mr Ashe	Mr Plumer.

Ordered the papers relating to North Carolina Quit Rents to be collected and laid before the Board.

[Page 11.]

Thursday January 26th 173⅞

Mr McCulloh attending read a paper relating to the Blank Patents in North Carolina and their Lordships having had some talk with him agreed to take that affair into consideration as soon as the same shall be reduced into a proper state of the case for the opinion of the Attorney General.

[Page 13.]

Tuesday January 31st 173⅞.

Ordered that a letter be writ to Mr Shelton desiring his attendance at the Board tomorrow in relation to the Deed of 1668.

[Page 14.]

Wednesday February 1st 173⅞

Mr Shelton attending acquainted the Board that the Lords Proprietors never did consent that the inhabitants of Albemarle County should have any Lands granted them conformable to the Deed of 1668 excepting only those who were formerly residenters of that County before the said year Case of the Blank Patents laid before the Attorney and Solicitor General for their opinion in point of law

Mr McCulloh attending the Board had some discourse with him relative to the deed of 1668 and agreed to consider of the same the first opportunity.

[Page 15.]

Thursday February 2nd 173⅞

Mr McCulloh attending the Board had some further discourse with him and ordered a state of the case of the Quit rents to be drawn up to be laid before the Attorney General for his opinion thereon.

[Page 17.]

Tuesday February 7th 173⅞

Their Lordships took into consideration a Draft of Querys to be prepared in order to be laid before the Attorney General in relation to the

Grants and Quit Rents in North Carolina and made some progress therein. Agreed to and ordered to be transcribed Febʳʸ 8th

[Page 20.]

Tuesday February 14th 173⅞

Read the Report of the Attorney and Solicitor General upon the case of the Blank Patents in North Carolina

[Page 26.]

Thursday March 2nd 173⅞

Mr Attorney & Solicitor General's Report and Opinion upon several Queries relating to Quit rents in North Carolina was read and the Board took the same into consideration.

[Page 29.]

Thursday March 9th 173⅞

Mr Attorney and Solicitor General attending the Board had some discourse with them on the subject of the Quit rents &c. in North Carolina and their Lordships ordered copies of two Laws, relative to rating commodities passed in that Province to be transcribed and to be laid before them for their opinion thereon.

[Page 32.]

Wednesday March 15th 173⅞

Read Mr McCulloh's Answer to four Queries concerning two Acts for rating commodities passed in North Carolina and the Quit rents there and their Lordships ordered a copy of the same to be sent to the Attorney & Solicitor General.

[Page 34.]

Wednesday March 22nd 173⅞

Read the Report of Mr Attorney & Solicitor General upon two Acts of North Carolina relating to staple commodities rated and certain queries thereon and the Board agreed to take the affairs of North Carolina into consideration on Wednesday next.

[Page 40.]

Friday April 14th 1738

The Board took into consideration the state of the Province of North Carolina and made some progress therein

The Secretary was directed to write a letter to Mr McCullogh desiring his attendance at the Board on Tuesday next.

[Page 42.]

Tuesday April 18th 1738.

Mr McCullogh attending the Board had some discourse with him relative to the Blank Patents in North Carolina and having taken the same into consideration made some progress therein.

Wednesday April 19th 1738

Mr McCullogh again attending their Lordships had under their consideration the affair of the North Carolina blank patents and quit rents and made some further progress therein

Thursday April 20th 1738

The Board took again into consideration the affair of North Carolina mentioned in the Minutes of yesterday and made some further progress therein

[Page 46.]

Wednesday April 26th 1738

The Board had again under consideration the affair of the Blank Patents and Quit rents in North Carolina and made a further progress therein

[Page 49.]

Friday May 5th 1738.

The Board had again under their consideration the affair of the Quit rents and blank patents and made a further progress therein

Wednesday May 10th 1738.

Read an Order of Committee of Council dated May 4th 1738 directing this Board to report what sum they shall think proper to be allowed to Messrs. Skene & Abercromby who were appointed by the late Governor of South Carolina to be Commissrs for settling the Boundaries between that Province and North Carolina and the Board appointed Wednesday next for considering that affair

[Page 54.]

Wednesday May 17th 1738.

Mr Abercromby attending as directed by the Minutes of May 10th inst. the Board had some discourse with him on the subject of his demand on account of his running the Boundary lines betwixt the two Provinces of S. and N. Carolina and referred the further consideration to another opportunity.

[Page 55.]

Tuesday May 30th 1738.

The Board had again under consideration the affair of the Quit rents & blank patents and made a further progress therein

Read a letter to the Secretary from Mr Abercromby together with papers relating to the expences of running the boundary line between S. & N. Carolina.

[Page 57.]

Wednesday May 31st 1738.

Mr. McCullogh attending the Board had some discourse with him in relation to his Memorial and Proposals for rendering his Maj. Colonies in America more advantageous to Great Britain and their Lordps having made some progress in that affair were pleased to appoint Wednesday next for the further consideration of it upon which day he was desired to attend again.

[Page 58.]

Tuesday June 6th 1738.

Mr Abercromby attending the Board had some discourse with him concerning his letter to the Secretary mentioned in the Minutes of May 30th last and their Lordships were pleased to postpone their Report upon the Order of the Comtee of Council mentioned in the Minutes of May 10th till the arrival of proper Certificates to make out his demand.

[Page 76.]

Wednesday July 12th 1738.

Mr Wragg delivd in as Agent for the Assembly of No. Carolina a petition relating to the case or Represn of Sundry of the principal inhabts of that Province in behalf of themselves & others who claim lands by virtue of Grants under the seal of the late Lds Proprs presentd to this Board some time since.

[From the MSS. Records of North Carolina Council Journals.]

COUNCIL JOURNALS.

At a Council held at Newton 15th day of February 1737 [1738]

Read the following Petitions for Patents Vizt

Agnes Ann Robinson 640 N. Hanover, Alchison Rowan 400 Ditto, William Gill 150 Bladen, Do 200 Do, Robt Jones 120 Craven, George Bishop 100 pt in each County N. Hanover and Onslow, Do 400 Do, Woodman Stockley 300 N. Hanover, Paul Wickstead 100 N. Hanover, James Huske 400 Do, Thos Jones 100 Bladen. Granted.

16th February Read the following Petitions

Sara Porter 640 N. Hanover, Jno & Saml Slade 200 Craven, Jno Marshal 150 Do, William Herritage 500 Do, Geoff Dawson 640 Bladen,

David Moseley 400 D°, Sam Johnston 640 N. Hanover, William White 300 Bladen, Jas Portevint 640 N. Hanover, Jacob Shives (Scheibe) 220 Bladen, Andrew Ellison for his father W^m^ Ellison 320 N. Hanover, Solomon Smith 640 Craven, James Keith 400 D°, Joseph Tomny 400 Bladen, Thos Conner 640 N. Hanover, Jn° Edwards 300 Ditto, Anthony Coxk 300 Carteret, Jno Montgomery 500 Craven, Thos Wier 220 Bladen, Ralph Miller 250 Ditto, David Turner 200 Carteret. Granted.

At a Council held at Newton 17 February 1737 [1738]. Read the following Petitions for Patents Viz^t^

Mary Hill 300 New Hanover, Luke Russel 300 Craven, Gold Smith Whitehurst 500 N. Hanover, Zach Evans 600 Onslow, Fran^s^ Urme 200 Craven, Christ° Harrison 200 D°, Rich^d^ Cheeck 640 Beaufort, George White 300 Craven, Levi & Jno Alderson 640 D°, Jacob Taylor 500 Beaufort, Edw^d^ Lee 320 N. Hanover, Benj^a^ Joyner, 580 Edgcombe, Martin Holt 640 N. Hanover, Henry Bishop 400 D°, Thos Cummins 300 D°, David Bevan 150 D°, Rich^d^ Eagles 80 N. Hanover, Rice Price 640 D°, Jos Lane 370 Edgcombe, David Gerganus 300 Bladen, Mary Ward 300 Beaufort, Jas Roberts 200 Craven, Isaac Kilpatric 640 N. Hanover, Jno Innet 600 D°, Henry Sumerland 300 Craven, Rice Price 200 D°, Sam Whitehurst 200 D°, Laz Price 200 D°, Jn° Derham 200 D°, Thos M^c^Clang 200 N. Hanover, Francis Stringer 640 Craven, Amb^s^ Arriss 480 Ditto, Mich Bridal 640 N. Hanover, W^m^ Pate 640 Craven, Josias Walters 400 Onslow, Jno Wallace 640 D°, Jno Guess 570 D°, Cha^s^ Cogdale 422 Carteret, W^m^ Borden 300 D°, D° 490 D°, Jno Williams 640 Onslow, Jas Spier 225 Edgcombe, D° 200 D°, Rob Warmen 640 D°, Jno Speir 640 D°, D° 640 D°, Jno Cane 190 D°, Jno —— 450 D°, D° 100 D°, W^m^ Whitehead 400 D°, Jas Jenkins 354 D°, Joseph Coffon 640 D°, W^m^ Whitehead 640 D° (but 560 returned), Jno Pope 610 D°, Thos Bryant 400 D°, W^m^ Whitehead 200 D°, W^m^ Bennet 200 D°

Jere Murphy a resurvey on Frederick Jones' Land in Craven between Mansfields Brook and Island Creek. Granted bet. the Surplus Land

Ordered that the Receiver General in taking Province Bills for the Kings Rents observe the like Proportion as 7 to 1 demanding and receiving the same otherwise than at 600 ℔ cent on Sterling money thō below the real exchange in the course of trade

It being moved by Roger Moore Esq^r^ that the Dispute between Jere Rowan Esq^r^ and the Exec^rs^ of the late Mr Ash should now come under consideration Mathew Rowan Esq^r^ in behalf of the said J. Rowan Alledged they were unprepared not expecting twould come on this Court and after some Arguments on both sides it was agreed and ordered to be referred to the next Court of Claims at Cape Fear

Wm Whitehead praying by his Attorney in behalf of Thos West that a Patent granted in the time of the late Lords Propr^s to Jno Pope dated 24 July 1728 be rectified agreeable to the underwritten Plot deferring from the Patent in that the first Course of the latter is S° 44 and should be N° 44 as in the said plot

Ordered that the Courses be laid down according to the Plot now Exhibited and that the same be Enrolled in the Secretary's Office

Read the Petition of Mich Clark for a resurvey of 2 tracts in Onslow Precinct belonging to the heirs of Col Reed at the Mouth of Stone Creek in Order to ascertain the Bounds of another tract belonging to the said Clark Ordered that the same be resurveyed and reported

Read the following Petitions

Jere Simmons 1000 Craven, George Roberts 208 D°, Phil Rayford 200 Edgcombe, Thos Clark 640 N. Hanover, Nath Carruthers 156,881 Perquimons, Wm Bornam 300 Edgcombe, Alex Strahann 300 N. Hanover, Ditto 100 D°, Corn^s Kennedy 278 Carteret

Jno Worsley for 200 acres Beaufort in consequence of a Warrant to his father Tho^s Worsley deceased executed and returned

Ordered that a Patent for said Land be made out in the name and to issue to the Heirs at Law

Ordered that a new Commission of the Peace issue for the Precinct of Carteret several now in the Commission resigning or neglecting to do the Duty of their Office and that the following Persons be therein appointed Justices of the said Precinct and hold Courts at the accustomed Seasons Viz^t Thos Lovick Jas Wainwright Richard Rustal Enoch Ward Joseph Bell Thos Dudley Wm Williams Thos Austin Edward Ward Ralph Evans Jno Gillet Jos Bell Jun Esq^rs

Appeared Capt James Innes who acquainting the Board that he was going out of the Province that therefore He desired leave to withdraw his bond as Security for the Receiver General the same was allowed

Read the Petition of William Whitehead setting forth that he obtained a Grant for 640 Acres in Edgecombe joining Jos^h Lanes Plantation at the Court of Claims held at Bertie to which Ann Thompson pretended that a Grant passed in your pet^rs favour he paying her husband the Costs of Warrants and Survey that the said order is lost or mislaid wherefore he prays a new Grant Granted

Thompson's Plot to be annexed to the said Whiteheads Patent

Ordered that the Receiver General do transmit to the Right Honōble the Lords of the Treasury an Account of the whole amount of the ensuing Collection with his observations showing what obstructions shall occur to him in the Execution of his Duty with Reasons and occasions

of such obstruction and opposition the Secretary desired the direction of his Excellency and the Council with regard to a Patent ordered for Arthur Mabson the 16th December 1735 the Plot for which was returned and survey made by himself because that since the passing of the said Grants a Petition of the said Mabson for a another Grant has been rejected upon the Account i. e. because the Land applied for was run out by himself it appearing to the Board as a very irregular Practice which ought by no means to be allowed Which being considered the Board were of opinion that since the Patent had been ordered it ought to issue notwithstanding, that accordingly a Patent issue to the said Mabson for the Land as formerly prayed granted and returned

Read the Petition of William Whitehead praying a Patent granted to him the 16th October 1735 may be altered in the courses agreeable to a Plot produced

Ordered that the said plot be annexed to a new Patent in lieu of the former

Adjourned to the last Tuesday in June next following to sit at Newbern

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At a Council held at Newbern 27th June 1738

Present His Excellency the Governor

The Honōble { Wm Smith, Robert Halton, Math Rowan, Eleaz Allen } Esqrs Members of His Majestys Council

Adjourned to 11 °Clock the morrow Morning

28th June Present as before and Edward Moseley

Read the Petition of Thos Murphy Senior for 198 Acres in Craven surplus land within Wm Turnaclifs Lines

Referred to next Court and Ordered that in the mean time Wm Turnaclif resurvey the said Land and make return the next Court

Read the Petition of Joseph Hennis praying a resurvey of certain Lands purchased of Fredric Jones and a Patent for the Surplusage. Granted

Read sundry Petitions for Patents Viz

Jos. Jno Alstons 150 Edgcombe, Do 350 Do, Warren Andrews 250 Tyrrel (this Grantd 20th Nov 1739 and again the 2d Octor 1741—(the return for 300ac), Robt Hill 200 Edgecombe, Chas Hopton 400 Craven, Jno Breakton 400 Do, Jno Debnam 370 Do, Wm Daws 200 Beaufort, Thos Garey 200 Edgcombe, Sam Jones 400 Onslow, Jos Lane 300 Edgcombe, Benoni Lofton 200 Craven, Peter Leister 300 Onslow, Jacob Robertson 300 Craven, Isham Randolph 640 Edgcombe, Thos Smith 100 Craven, Jno Speir 160 Edgcombe, Ditto 150 Do, Francis Young 192 Do, Thos Fisher 183 Craven, Jno Fellian 150 Do Granted

29th June 1738 Present as before.

Read the Petition of Robert Forster for a resurvey of a tract of Land on Wiccon in Bertie late Thos Suttons praying a grant of the Surplusage. Granted

Read the Petition of Thos Kearney praying a resurvey of a tract on Cushie in Bertie and a Grant of the Surplusage Granted

Read Sundry Petitions for Patents Viz

Simon Rights 240 Craven, John Brooks 110 Beaufort, Jno Beaseley 200 Craven, Thos Bonner 400 Beaufort, Dº 300 Dº, Wm Carruthers 100 Dº, Dº 400 Dº, Zach Evans 320—300 rtd Onslow, John Fonvill & Wm Brice 200 Craven, Chas Graffins 288 Dº, Robt Pitts 250 Craven, Wm Peters 270 Dº, Jas Roberts 250 Dº, Jno Williams 640 N. Hanover, Jno Webster 140 Carteret, Jno Gillet 618 Craven, Jno Guess 570 Onslow, Josiah Jones 350 Beaufort, Jno Lovit 300 Craven & Carteret, Thos Nelson 100 Carteret, Dº 640 Dº, Jas Sanders 200 Edgcombe, Jno Tompkins 180 Edgcombe, Wm Whitehead 250 Dº, Dº 400 Dº Granted

30th June 1738. Present as before.

Read Sundry Petitions for Patents Vizt

Jas Hasel 400 N. Hanover, Dº 110 Dº, Dº 200 Dº, Wm Brice 300 Onslow, Sara Bond 187 (400 retd) Craven, Jno Beeton 416 Dº, Jno Caldon 630 Dº, Thos Clifford 640 N. Hanover, Wm Carruthers 100 Beaufort, Wm DeLoach 200 Edgcombe, Jno Dudley 270 Carteret, Nath Everet 640 Onslow, Jno Fonville 640 Craven, Richd Field 640 Onslow, Henry Guston 300 Edgcombe, Dº 300 Dº, Wm Shewbridge 200 Onslow, Jno Wiggins 640 Craven, Wm Gess 300 Onslow, Jervis Jones 100 Beaufort, Cornls Loftin 300 Craven, Richd Lovit 100 Carteret, Wm Mills 640 Onslow, Barbara Maule 200 Beaufort, Thos McClendon 300 Craven, Thos McClendon 640 Dº, Dº 534 Dº, Dº 288 Dº, Saban Plumer 350 Pasquotank, Mark Philips 360 Craven, Sam Noble 500 Onslow, Thos Smith 162 Craven, William Smith 250 Craven, Dº 300 Dº, Jno Slocomb 220 Dº, Robt West 630 Craven, Franls Young 436 Edgcombe. Granted.

July 1st 1738 Present as before

Ordered a Dedimus issue for Jno Barron Wm Ormond Isaac Buck George McCoy and John Wilson to be added in the Commission for Beaufort Precinct

Upon Complaint of Eleazer Allen Esq Receiver General that the proper returns were not regularly made to him from the Auditor's Office

Ordered that W^m^ Maxwell Esq^r^ Deputy Auditor do make out a List of all such Patents for Land as have passed his Office not already made out and deliver the same to the Receiver General also that he continue to return Lists to the Receiver General for all such Patents as shall hereafter pass his Office within some convenient time after the sitting of every Court of Claim the said Lists to contain the Patentees names number of Acres Date of the Patent and the Precinct where the Land is Situated

Read the Petition of Michael Routledge for a resurvey of Peter Handy's Land 4 miles above Newberne and a Grant of the Surplusage (if any)

Ordered that the said Land be resurveyed and return made to this Court.

Read the Petition of John Fonvielle for a Resurvey of the Land he lives on praying a Grant of the Surplusage. Granted.

Read Sundry Petitions for Patents Viz^t^

Rob^t^ Germain & Thos Smith 300 Craven, W^m^ Henderson 288 D^o^, Jno More 300 D^o^, George Roberts 1000 Craven, Jno Shaw 640 Carteret, George Bould 600 Craven Granted

Adjourned to the 2^d^ Tuesday in November next following the Court to sit at Newbern.

At a Council held at Newton the 16^th^ day of November Anno Dom 1738 Present His Excellency the Governour

The Honōble { Nath Rice, Math Rowan, Rob^t^ Halton, Edw^d^ Moseley } Esq^rs^ Members of His Majestys Council

Read Sundry Petitions Viz^t^

Thos Burns 320 N. Hanover, Will Blake & Peckersgill 100 Ditto, Eliz Jones 320 D^o^, Jno Smithies 100 D^o^, Jno Rogers 400 Bertie, Edw^d^ Jones 350 Edgcombe, D^o^ 200 D^o^, Jos Wall 150 Edgcombe, D^o^ 500 D^o^, Rob^t^ Dunavan 640 D^o^, W^m^ Kinchen 150 D^o^, Sam Holliman 300 D^o^, Edw^d^ Jones 400 D^o^, Jno Porter 400 N. Hanover, Ezekiel Jnoston 400 Onslow. Granted

His Excellency acquainting the Board that he had received Information of a Negro being brought into the Town with the small pox out upon him by Mr Dalrymple Master of the said Negroe and Richard Mortimore Merch^t^ from on Board a Ship lately arrived from South Carolina Carlmet Master where the said Infectious distemper hath a long time raged and with great violence and very fatal Effect And forasmuch as the town People and other Inhabitants are apprehensive of the contagion and justly dread the spreading of so dangerous a Distemper unless some effectual Measures are taken to prevent the same

Ordered that the said Negroe be strictly confined to the House he now lyes at in the said [town] and that the provost Marshal provide a sufficient Watch to prevent all communication with the said House till all danger of Infection from the same be over as also that the said Dalrymple and Mortimore keep themselves apart from all Company while there may be any danger of Imparting the Infection not presuming to go aboard upon any account or pretence whatsoever at their peril and Furthermore that the Master of the aforesaid Vessel upon notice hereof immediately repair with his Ship two miles up the Black river there to continue for the space of three weeks and have no intercourse during that time with the Inhabitants as he will answer the contrary at his utmost peril

The 17th November Present as before and Roger Moore Esqr

Read Sundry Petitions Vizt

Wm Kinchens 100 acres Edgcombe, Richd Sessums 200 Do, Chas Evans 640 Do, Richd Sessums 640 Do, Jno Speir 160 Do, Vinct Amiat 400 Craven, George Thomas 251 Do, Jas McCroaine 400 Do, George Roberts 200 Do, Jno Harring 300 Do, Jas Gerral 200 Do, Robt West 300 Craven, Jno Burney 200 Beaufort, Walter Kelly 440 Do, Cornls Harnet 640 N. Hanover, Jno Sampson 300 Do, Thos Rowan 350 Do, Robt Potter 400 Do, Edwd Scott 300 Do, Jno Williams 640 Onslow, Jno Russal 160 Bladen, James Welsh 640 Do Granted

Ordered that Eleazer Allen, Mathew Rowan and Edward Moseley Esqr be a Committee to consider of proper rules and measures to be observed in the Disposition of Lapsed Lands and that they report their opinions and proceedings therein to the Board on Monday next

The 18th of November Present as before and Eleazer Allen Esqr

Read the Petition of Michael Lowber setting forth that he had obtained a Warrant of his Excellcy for 640 acres of land in New Hanover Precinct bounded by Land of John Parry Rush Watts and Col Moor and praying a resurvey of the said Lands that so the aforesaid Warrant may be layed on the vacant Surplus Land

It was observed that the Prayer Clashes with the former part of the Petition which describes a Warrant for 640 Acres bounded by such and such lands Whereas the Prayer is for the Surplusage of the same Lands

Ordered that the Warrant be executed according to the express terms of the same and no otherwise

Read Sundry Petitions Vizt

Job Brooks 200 acres Onslow, Jno Marshall 320 N Hanover, Jonath Tremain 100 Do, Wm Marshal 300 Do, Wm Dry 290 Do, Henry Sumerland 200 Craven, Wm Bright 200 Do, Wm Paget 350 Do, Edwd Coward

300 D°, Jas Anderson 100 D°, Jonath Bangs 150 D°, Jno Gatling 200 D°, Henry Carmon 400 D°, Jno Morgan 100 D°, George Fisher 156 D°, Bryan Reyley 300 D°, Thos Branton 640 D°, John Fellow 300 D°, Simon Bright 190 D°, Jos Letchworth 200 D°, Abrah Odam 615 D°, Corn^{s} Tyson 300 D°, Jno Mathews 300 D°, Rich^{d} Earle 400 N. Hanover, Jno Fellow 400 Craven, Jere Murphy 200 D°, Thos Tyson 300 D°, Chas Coward 250 D°, Fran^{s} Hodges 200 Craven, Thos Graves 350 D°, Henry Smith 500 D°, Jno Taylor 200 D°, Fran^{s} Stringer 250 D°, Jno Beckton 200 D°, Jno Wilson 300 Beaufort, Jno Lamberson 300 D°, Jacob Moore 250 D°, Jno Lee 500 D°, Rich^{d} Cheek 640 D°, Seth Pilkington 640 D°, Will Mitchel 350 D°, Isaac Buck 435 D°, Corn^{s} Tyson 150 D°, D° 640 D°, Fran^{s} Young 244 Edgcombe

Jno Williams for a resurvey of a tract of land which he holds by patent joining E Andersons on the N. W. branch of the N. River Granted.

Thos Murphy Senior for 199 Acres Surplus Land of W^{m} Tunacliff

Ordered that William Tunacliff resurvey the Land in question between him and the said Murphy and make return of such Survey to next Court otherwise a Patent to issue to the said Murphy for the said Land

Read the Petition of Mrs Magdaline Campbell praying that two patents in the name of her late husband Hugh Campbell deceased may be altered for that the Lands thereby conveyed are not now situated in New Hanover as before the division of the Precinct and in and by the said patents is exprest but in the new precinct of Bladen

Ordered that the name of the said prc^{t} in the said Patents Viz^{t} one for 640^{ac} of land on the N° E^{t} side of the N. W. River the other for 640 acres on the S° W^{t} side of the same be accordingly altered from New Hanover to Bladen and that this order be engrossed on the back of the said patents

The 20th of November 1738 Present as before

Ordered that a Commission pass the Seal constituting and appointing W^{m} Smith Esq^{r} Chief Justice Nath Rice Eleazer Allen and Mathew Rowan Esq^{rs} Justices to hold a Court of Oyer and Terminer and General Goal delivery at Newton the Session to begin this present 20th of November

The 22^{d} of November. Present as before. Read Sundry Petitions Viz^{t}

Henry Owens (ret^{d} 198) 190^{ac} Craven, Abra Taylor 360 D°, Jno Derham 240 D°, Abra Odam 615 D°, Christ° Dawson 400 D°, Jas M^{c}Croean 300 D°, W^{m} Crosby 320 D°, Jas Perkins 200 D°, Jno Wiggins 200 D°,

Jno Gatling 200 D°, Abra Taylor Jun^{r} 200 D°, Gilbert Devour 200 D°, Jno Williams 400 D°, Eliz Stevenson 150 D°, Edward M^{c}Consby 200 D°, W^{m} Row 200 D°, James Keith 300 D°, Laz Turnage 300 D°, Dan West 200 D°, George Turnage 200 D°, Jas M^{c}Croean 400 Craven, Abra Owen 640 D°, Isaac Barrington 300 D°, Henry Bonner 400 Rowan, George Moy 500 Beaufort, D° 200 D°, D° 400 D°, Clifton Bowen 300 N. Hanover, Jno Enzor 200 D°, W^{m} Hester 500 Bladen, Jno Godfrey 320 D°, Jas Wathen 612 D°, Gershon Benbow 250 D°, Rich^{d} Baker 640 D°, Thos Hester 200 D°, Jno Russ 300 D°, W^{m} Norton 640 D°, W^{m} Singelary 500 D°, Jacob Crosby 200 D°, Edw^{d} Walmsley 400 D°. Granted

Read the Petition of Michael Lowber for 640 acres of Land adjoining to Rush Watts and other lands Survey returned opposed by Col Moseleys Attorney for that the said Survey is thought to interfere with a Patent of the said Moore

Ordered that Col Moore hath time to the next Court to inform himself whether the said Lowber has incroached upon his Lines

Read the Petition of Saban Plumer Sarah Catherine his Wife praying that a Grant passed last Court to the Petitioners for 350 Acres on Arenuse Creek in Pasquotank may be altered to 150 Acres that being the true quantity contained in the said tract and that the same be made out according to the following description being escheated Land from which an Escheat Patent formerly passed but is lost—beginning at a pine at the mouth of Areneuse Creek then up the said Creek by various courses to a Gut called Ware point gut then up the said Gut by various courses to a marked beach then N W to a hickory being the Corner tree then S° 05^{d} E to a red oak by the Pocosen of the River then down the pocosen and the River to the first Station being butted by the Lines of Richard Fourd and Abel Ross. Granted.

The 24th November 1738. Present as before.

Read sundry Petitions Viz^{t}

Jno Fellows 640 Craven, Roger Moore 640 N. Hanover, Margaret Haines 100 D°, Christ° Ottey 190 D°, Joshua Granger 640 Onslow, Magdalen Campbel 150 Bladen, Vincent Amiat 640 Craven, D° 200 Carteret, John Richards 300 Craven, Peter Dubois 640 D°, Rob^{t} Halton 170 N. Hanover, Roger Jones 150 Beaufort, Mich Heggins 300 N. Hanover, James Pollard 250 D°, Rob^{t} Halton 170 D°, Tho^{s} Child 1320 D°, Tabetha Larkins 640 D°, W^{m} Norton 200 D°, Martin Jenkins 320 D°, W^{m} Cain 640 Bladen, Jn° James 200 Craven. Granted.

By order NATH RICE, Cl.

At a Council held at Cape Fear the 24th day of December 1738
Present His Excellency the Governour

The Honōble { Nath Rice, Robt Halton, Roger Moore } Esqrs Memrs of His Majestys Council

The Secretary reported to the Board the Tryal and Condemnation of three Prisoners indicted at a Court of Oyer and Terminer begun and held at Newton the 2d Inst for felonious stealing of certain Goods the property of Joshua Johnston, Viz Richard Purcel as Principal and Daniell Keel and Peter Luard as accessory but there appearing some circumstances of Alleviation in the case of the latter who were recommended as Objects of Mercy both by the Jury and Bench of the Justices

His Excellency was pleased by and with the advice and consent of His Majesty's Council to pardon the said Accessories Daniel Keel and Peter Luard and to order Richard Purcell Principal as aforesaid to Execution pursuant to the formal sentence of the said Court pronounced upon him

By order NATH RICE Cl

1739.

[B. P. R. O. Am: and W. Ind: Vol. 23. p. 375.]

My Lord [the Duke of Newcastle]

I have the Honour to acquaint your Grace that a little before last Christmas I ordered Writts to be issued for calling an assembly of His Majestys subjects of this Province which accordingly mett at Newbern on the sixth day of February last and have passed severall very beneficial Laws particularly an Act for granting his Majesty a Rent Roll and for the more effectual collecting of his Quit rents An Act for the Improvement of the Trade and Navigation of this province, An Act for the more speedy administration of Justice by establishing of Circuit Courts and a great many other good Laws, more than has been passed by all the Assemblies, since the foundation of this Colony. It is with great pleasure I now inform your Grace that after a few years struggle, During which I have suffered infinite Hardships and no means have been left unattempted to induce me to depart from my Instructions matters are at length brought to this happy Issue and in a Country where Disorder and Confusion have prevailed from its first Settlement, the foundations of peace and good order are at last so firmly laid.

I was assured at the breaking up of this session by the most considerable Members of both Houses that at their next meeting in November they were firmly determined to pass such other Laws as might be judged necessary for his Majesty's services and the publick good.

I have ordered the Secretary to make out a fair Copy of the Acts and other proceedings of this Assembly which shall be speedily transmitted to your Grace by Your Grace's most, &c.,

North Carolina April 10th 1739. GAB: JOHNSTON.

[B. P. R. O. Am: and W. Ind: No. 592.]

The King to the Govr of No. Carolina June 1739.

Trusty and Welbeloved, We greet you well. Whereas several unjust Seizures have been made, and Depredations carried on, in the West Indies, by Spanish Garda Costas, and ships acting under the Commission of the King of Spain, or his Governors, contrary to the Treaties subsisting between us and the Crown of Spain, and to the Law of Nations, to the great Prejudice of the lawfull Trade and Commerce of our Subjects; and many Cruelties and Barbarities have been exercised on the Persons of such of our subjects, whose Vessels have been so seized by the said Spanish Garda Costas; And whereas frequent complaint has been made to the Court of Spain of these unjust Practices, and no satisfaction or redress been procured; and whereas a Convention for making Reparation to our Subjects for the Losses sustained by them, on account of the unjust seizures and captures above mentioned, was concluded between us, and the King of Spain, on the fourteenth Day of Janry last, ns. by which convention, It was stipulated, That a certain Sum of Money should be paid at London, within a Term specified in the said Convention, as a Ballance due, on the part of Spain, to the Crown and Subjects of Great Britain, which Term did expire on the 25th Day of May last; and the Payment of the said sum, agreed by the said Convention, has not been made, according to the Stipulation for that purpose, by which means the Convention above mentioned has been manifestly violated and broke by the King of Spain, and our subjects remain without any Satisfaction, or Reparation for the many great and grievous Losses sustained by them: We have thought fit, for the vindicating the Honour of Our Crown, and for our injured Subjects, to order Reprisals to be made upon the Crown and subjects of Spain. And we do therefore, by Vertue of these Presents, authorise and empower you to issue forth, and grant com-

missions of Marque and Reprisal to any of our loving Subjects, or others who shall apply to you for the same, and whom you shall deem fitly qualified in that behalf, for arming and fitting our private Ships of War, for the apprehending, seizing and taking the Ships, Vessels, and Goods belonging to the King of Spain, His Vassals, and Subjects, or any inhabiting within his Countries, Territories and Dominions in the West Indies: Provided always, that before any such Commission or Commissions be issued forth security be given upon every such Commission as hath been used in such Cases. And you shall insert in every commission to be so granted by you, all such Clauses, and give such Directions and Instructions to the Person, or Persons to whom you shall grant such Commission, as hath been usual in Cases of the like Nature, and for so doing this shall be your Warrant and so we bid you Farewell. Given at our Court at Kensington the day of June 1739, in the Thirteenth Year of our Reign

By His Majesty's Command.

[B. P. R. O. B. T. JOURNALS. VOL. 48. P 1.]

BOARD OF TRADE JOURNALS.

Wednesday, January 10th 173$\frac{8}{9}$

Present Lord Monson Col. Bladen, Sir Arthur Croft Mr Plumer

Read two letters from Mr Johnston Govr of North Carolina one dated 15th Janry 1738 and the other June 13th 1738 In the first he complains of the great want of a decision in the disputes about the blank patents and validity of their Laws and recommends Mr Murray for a Councillor in the room of Mr Porter deceased the other gives an account of the dispute between South and North Carolina about their Boundary line and transmits copies of three Laws proper to be repealed.

The Board order'd a Report in favor of Mr Murray and will consider of the settlement of the Lines whenever any application is made from So. Carolina.

The Board likewise order'd a letter to be writ to Mr McCulloh to desire his attendance tomorrow at 11 in order to discourse with him about the three abovementioned Laws.

[Page 3.]

Thursday January 11th 173$\frac{8}{9}$.

Mr McCulloh attending as had been desired by the Minutes of yesterday the Board had some discourse with him about Mr Johnston's letters

& upon the subject of the three laws mentioned therein as proper to be repealed

[Page 5.]

Wednesday January 17th 173$\frac{8}{9}$

A representation to his Majty recommending James Murray Esqr to be one of His Maj. in North Carolina in the room of Edmund Porter Esqr deceased was agreed to and signed.

[Page 27.]

Tuesday March 27th 1739.

The Board order'd the Secretary to write a letter to Mr McCulloh desiring his attendance here on Thursday next on the subject of some affair relating to the Province of South Carolina.

[Page 28.]

Thursday March 29th 1739.

Mr McCulloh attending as desired by the Minutes of Tuesday last the Board had a long discourse with him on the subject of several laws passed in the two Provinces of North & South Carolina and referred the further consideration of the same to another opportunity Ordered likewise that the Secretary write a letter to Mr Fane that he would be pleased to appoint a time when Mr McCulloh may talk with him on the subject of the Quit rent law in South Carolina.

[Page 44.]

Tuesday May 15th 1739.

Mr McCulloh attending prayed that their Lordships would take into consideration the Reports that have been made & the letters that have been writ by the Governors of North & South Carolina to this Board relating to the Boundary lines between those two Provinces and that they would please to make their Report therein And their Lordships were pleased to appoint tomorrow for the consideration of the said affair and order'd that the several papers relating thereto be laid before them.

Wednesday May 16th 1739.

The Board had before them and took into consideration the several papers mentiond in the Minutes of yesterday & upon finding the Governors of the two Provinces had not transmitted to this office any regular returns their Lordships thought fit to defer making any report to his Majesty.

[Page 46.]

Friday May 25th 1739.

Read his Maj. Commission to Henry McCulloh constituting him Commissr for inspecting and controlling the Revenues and Grants in South & North Carolina.

Read likewise his Maj. Instructions to the aforesaid Henry McCulloh the Commiss^{r} for inspecting & controlling the Revenues & Grants in South & North Carolina

And the said Commission & Instructions were ordered to be entered in the Books of this office

[Page 52.]

Friday June 1st 1739.

M^{r} McCulloh attending the Board had some further discourse with him upon several Laws of North Carolina

[Page 64.]

Thursday June 21st 1739.

M^{r} McCulloh attending the Board had some discourse with him upon the subject of several laws of North Carolina & agreed to take the same into further consideration another opportunity

[Page 66.]

Friday June 22nd 1739.

Read Gov^{r} Johnston's observations upon several old Acts passed in North Carolina (transmitted in one book with his letter dated 5th December 1735 which was read the 21st Oct^{r} 1736 Bundle B. N^{o} 9.)

And then their Lordships gave directions that all letters which have been received from the said M^{r} Johnston since the Board's last letter to him be laid before their Lordships at their next meeting in order to consider of an answer to be made to the said letters.

[Page 70.]

Thursday, July 5th 1739.

Read a letter from M^{r} Johnston Gov^{r} of North Carolina dated at Cape Fear April 10, 1739 signifying that the Assembly have passed many good laws the last Session and have promised at their next Meeting to pass such other Laws as may be judged necessary for his Maj. service and the public good.

[Page 80.]

Thursday August 2nd 1739.

Read an Order of the Lords of the Committee of Council dated 31 July last referring to this Board M^{r} M^{c}Culloh's Memorial praying that the 15th & 16th Instructions given to him may be likewise given to the Governors of South & North Carolina and that he may be a Member extraordinary of the Council in those Provinces And the Board were pleased to order that M^{r} M^{c}Culloh do attend on Wednesday next

[Page 86.]

Thursday August 9th 1739.

Mr Glen Govr of South Carolina attending moved for copies of Mr McCulloh's Memorial referred to this Board as mentioned in the Minutes of the 2nd inst. and also for a copy of the 15th and 16th instructions to the said Mr McCulloh as Controller annexed to the said Memorial The Board was pleased to give directions that he should have copies of the same.

[Page 89.]

Wednesday August 15th 1739.

Mr Glen Govr of South Carolina and Mr McCulloh Controller attending the Board had some discourse with them on the subject of Mr McCulloh's Memorial referred to this Board by an Order of the Lords of the Committee of Council dated July 31 last & mentioned in the Minutes of the 2d inst and Mr Glen having delivered in a paper with his Objections to the said Memorial their Lordships took the same into consideration and ordered the Draught of a Report to be prepared. [Page 93.]—Agreed to and signed August 30th

[Page 100.]

Wednesday September 12th 1739

A letter was agreed to and signed to Mr Johnston Govr of North Carolina in answer to several of his letters

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[From the MSS. Records of North Carolina Council Journals.]

COUNCIL JOURNALS.

At a Council held at Newton the 20th February 1739.

Present His Excellency the Governor.

The Honōble { Will Smith, Math Rowan, Esqrs Members of his
Robt Halton, Edwd Moseley, Majestys Council

Read Sundry Petitions, Vizt

Jno. Starkey in trust for Sol & Alex Grant 640 Onslow, Richd Braswel 100 Edgecombe, Do 100 Do, Joseph Howel 300 Do, Wm Slam 230 Do, Abra. Odam 300 Do, Sam Kennedy 100 Do, Elias Fort 640 Do, Jas Ard 300 Do, Wm Wilson (300 retd) 640 Craven, Jno Parker 155 Do, Peter Mallard 160 Craven, John Calkins 440 N. Hanover, Do 200 Do, Jas Minor 320 Do, Robt Williams 640 Beaufort, Ozborn Jeffries for a resurvey, Jno Hodgson 312 Chowan, Jacob Odam 212 Do, Do 640 Do, Robert Williams 350 Beaufort, Simon Alderson 420 Do, Kellum Ross 640 Chowan Granted

The 23d February 1739 Present His Excellency the Governour

The Honōble { Will Smith, Math Rowan, Robt Halton, Edwd Moseley, Eleazer Allen, Roger Moore, Cullen Pollock } Esqrs Members of Council

Read Sundry Petitions Vizt

Nathaniel Drapers 100 Beaufort, Edmund Peirce 190 Do, John Carruthers 300 Craven, Jno Riggs 640 Do, Fredric Jones 2652 Craven, Wm Faris 640 N. Hanover, Do 350 Bladen Granted

Jno Creels for a resurvey

Ordered that the Surveyor General cause 200ao to be resurveyed for the said Creel and report whether the same runs into the Lines of Edwd Bryan.

Mr Sam Swann moved in behalf of the late Mr Ashes children that the affair of the Mill Lands which has hanged so long in dispute between the Execrs of the said Ashe and of Jerome Rowan Esqr may have a final hearing and Roger Moore Esqr laying a Memorial and State thereof [before] the Court and the same being read by the Clerk, It was ordered that Patents be made out in the name of the Executors of the said Ashe for the same Land for which the said Jerome Rowan had Warrants in trust for the heirs of the said Ashe.

The first of March 1739.

Present His Excellency the Governour

The Honōble { Will Smith, Math Rowan, Robt Halton, Edwd Moseley, Eleazer Allen } Esqrs Members of Council

Read Sundry Petitions Vizt

Barnel Evans 260 Edgcombe, Jacob Do 270 Do, Josiah Jones 300 Beaufort, Jno Brown 640 Do, Jane Harris 160 Do, Tho Lewis 150 Craven, Jno Williams 150 Do, Timothys Harris 400 Beaufort, Abrahs Busset 200 Craven, Jas McLewean 530 Do, Jno Fellows 400 Do, Simon Herring 629 Craven, Theo Williams 375 Do, Richd Byrd 250 Do, Jno Ratclif 300 Do, Robt Dunbar 200 Do, Howel Jones 50 Do, Jno Beasley 200 Craven, Nesly Mills 200 Do, William Smith 633 Do, Thos Copland 247 Do, Jno Williams 150 Do, Job Ives 300 Do, Christo Dudley 150, Jno Vernan 200 Craven, Lewis Fryar 300 Do, Benjs Williams 140 Do, Jno Do 640 Do, Jos Sessums (268 retd) 300 Carteret, Jas Wainwright 550 Do, Sam Swearingham 640 Edgcombe, Jabez Spooner 300 Onslow, Jos Calvert 292 Carteret, Do 480 & 640 Onslow Granted

The 2d March Present as before

Read the Petition of Jno Brooks setting forth that he has obtained the Governours Warrant for 110 Acres of Land in Beaufort Precinct that the Deputy Surveyor by mistake instead of N° 15 E incerted N° 15 Wt pray it may be rectifyed.

Ordered that the alteration as prayed be endorsed on the patent 64 Patent with the order be enrolled in the Secretarys Office

Read Sundry Petitions Vizt

Isaac Odams (550 retd) 640 acres Craven, Edmd Smithwick 100 Tyrril, D° 300 D°, Sam Smithwick 300 D°, Geo Linnington 640 Craven, D° 200 D°, Math Reasonover 200 D°, Richd Harris 320 Beaufort, Dav Mead for a resurvey of 229 Bertie, Robt Cale 617 Craven, James Jones 218 D°, Jas Clark 300 D°, Franse Nun 200 D°, Jno Gatling 200 D°, Sam Wiggins (575 retd) 640 Beaufort, D° 160 D°, Will Harris 640 Beaufort, Edwd Collins 313 D°, Jno Brown 553 D°, Sylvens Pumphry 150 D°, Pat Lashly 200 Edgcombe, Arthr Whitehead 450 D°, Wm Fish 400 D°, Thos Brown 200 D°, Jno Span 640 Edgcombe, Sol Wood 200 Beaufort, Jno Crew 300 Craven, Nicha Corbet 100 D°, Benja Mathews 200 D°, D° 327 D°, Hardy Council 200 Beaufort, Wm Fish 550 Edgcombe Mich Lowber for a resurvey Granted

Jos John Alston for a resurvey of Land of Ja Wilson, on the Wt side of Bennets Creek in Chowan Richd Carlton

Jno Jewels for a resurvey of a tract of land near Bath town late his Fathers and the Suplus if any Granted

The 3d March Present as before Read Sundry Petitions Vizt

Henry Chadwick 640 Craven, Jno Carron 400 D°, Richd Spencer 100 D°, Moses Arnold 100 D°, Henry Bradley (420 retd) 500 D°, Thos Jones 100 D°, Mich Shelfer 300 D°, Wm Herritage 600 Craven, D° 208 D°, George Roberts 2,000 D°, Har Hill 300 Beaufort, Seth Pilkington 320 D°, David Obrian 200 D°

Thos Bryan junior for a resurvey of a tract of land on the S° side of Tar River below round about Swamp Granted

Read the Petition of Sundry persons Inhabitants of Edgcombe praying that Col William Whitehead may be removed from being a Justice of the Peace and Ranger within the said precinct on account of Sundry abuses committed by the said Whitehead in the Execution and under Colour of the said offices

Ordered that Depositions on the part of the Complainants be taken before the Chief Justice at next General Court and that Col. Whitehead be served with a Copy of this order and that the said Deposition be transmitted to the Secretary by the first Tuesday in June next

March 5th 1739. Present as before

Deputies from the Tuscarora Nation addressed his Excellency for leave to choose a King. Granted, and Ordered that the day of Election be the third Tuesday in June next at Rehorsesky and that the said Indians do then and there present to his Excellency for his approbation such Person as they shall agree upon and make choice for their King

March the 6th Present as before

Ordered that a Commission pass the Seal constituting and appointing John Hodgson Esqr Judge of the Admiralty in the room of Edmund Porter Esqr deceased

Upon a Complaint Exhibited against Peter West Esqr a Justice of the Peace in the County of Bertie in relation to ———

Ordered that the Chief Justice and such other of his Majestys Council as shall be at Edenton next General Court do examine into the same and that the said Peter West have notice to attend

Ordered that the Attorney General prosecute Col Salley for some scandalous Speeches spoken by him of the Governour and Col Hunter Vizt that Col Hunter had paid all the powder money he was intrusted with by the County to the Governour

Ordered that the Secretary transmitt a Copy of all the Laws passed this present Session of Assembly to the General Court and each County Court and that he be paid out of the Fund for defraying the Contingent Charges of Government at the rate of $7\frac{1}{2}$d Proclamation money per sheet each sheet to contain ninety words

Pursuant to a Clause in the Qt Rent Act for rating the Currency the Speaker and 6 other Members of the House of Burgesses waited upon his Excellency in Council and took the Oath appointed to be taken previous to such valuation In conjunction with whom agreeable to the said Act His Excellency and the Council with the Attorney General proceeded to regulate and fix the Currency and to determine the difference of Exchange the same that should be observed in taking his Majestys Quit Rents and it was resolved by the Majority that the true Exchange between the Current Bills of this Province and Sterling Money was as 10 is to 1 and Proclamation as $7\frac{1}{2}$ is to one And therefore it was Ordered that the Receiver General take his Majestys Quit Rents at that Standard

Ordered that a new Commission of the Peace issue for each County within this Government and that the following Persons be therein appointed Justices for each County respectively Vizt

For Curratuck—Joseph Sanderson Esqr, Isaac Davis, Stephen Williams, Henry White, Thos Neal, Thos Williams, Henry Gibbs, Lewis Jenkins, Jno Etheridge, Jno Caroon, Wm Macky, Jno Woodhouse

For Pasquotank—Thos Hunley Esq^{r}, Gab Burnham, Oliver Salter, Thos Pendleton, David Bailey, Jno Nelson, Jas Graves, W^{m} Relf, Chas Sawyer, W^{m} Bryan, John Relf, Jas George, Jno Boyd

For Perquimons—M^{c}Rora Scarbrough Esq^{r}, Thos Docktern, Jno Stepney, Jas Sumner, Jas Sitterson, Jas Morgan Jun^{r}, Nath Carruthers, Jno Whadbee, Jno Stevenson, Clem^{t} Hall, Jas Sutton, Thos Weeks.

For Chowan—Jno Montgomery Esq^{r}, Jas Anderson, Jno Blount, John Hodgson, Thos Garret, W^{m} Luten, Henderson Luten, Thos Luten, Jno Alston, Tho^{s} Blount, Henry Baker, Jacob Bottler

For Bertie—Benj Hill Esq^{r}, Needham Bryan, W^{m} Cathcart, W^{m} Kenchen, Peter West, Thos Brian, Thos Hansford, Rowland Williams, Thos Whitmel, Jno Prat, Jas Castellaw, Jno Dawson, Jno Edwards

For Edgecombe—Barn McKinny Esq^{r}, Edw^{d} Buxton, Jo Jno Alston, Jno Speir, Sam Williams, Jos Cotton, John Pope, David Coltrane, W^{m} Person, Jas Spier, Thos Kearney, Jno Hardy

For Tyrril—Cullen Pollock Esq^{r}, Stephen Lee, W^{m} Wilson, Edw^{d} Philips, William Downing, Jno Swaine, Thos Leary, Jno Ford, W^{m} Gardner, W^{m} Cannady, Edw^{d} Smithwick, Jas Conner, Sam Spruil, Jas Turball

For Beaufort—Robt Turner Esq^{r}, S^{r} Richard Everard, Jno Barrow, Jno Freeman, Jno Snead, W^{m} Ormond, Isaac Buck, Abra Prichet, Jno Caldom, Thos Tyson, Sim Alderson, Fra^{s} Delimare, Geo Moy, Benj Peyton, W^{m} Carruthers

For Hyde—Sam Sinclar Esq^{r}, W^{m} Leirmont, W^{m} Martin, Jas Tart, Jno Smith, W^{m} Barrow, W^{m} Cording, Ezeck Weeks, Edw^{d} Hardley, W^{m} Harris

For Chowan—George Roberts Esq^{r}, Fred^{c} Jones, W^{m} Brice, Jas McLewean, Jno Powel, Jno Slocumb, Jno Caruthers, Jno Bryan, Dan^{l} Shine, Jno Simmons, Jos Hannis, Thos Person, George Lunnington, W^{m} Wilson, Evan Jones

For Carteret—Thos Lovick Esq^{r}, Nich Hunter, Hope Dexter, Enoch Ward, Thos Austin, Sam^{l} Chaddock, W^{m} Wilkins, Ar Mabson, David Shepperd, Joseph Wicker, Ralph Eves, Ja^{s} Bell Jun^{r}, Jos Bell Sen^{r} Jas Wenwright, Chas Cogdale

For Onslow—Sam Johnston Esq^{r}, Jno Dudley, Thos Fullwood, Edw^{d} Marsburn, Jas Foyle, Jno Howard, Jno Starkey, Sam Jones, Jno Cox, Edw^{d} Howard, Abr^{m} Mitchel, Jno King, Jno Tremain, Geo Bishop

For New Hanover—Nath Rice Esq^{r}, Jas Murray, Edw^{d} Moseley, W^{m} McRee, W^{m} Dry, Rob^{t} Halton, Jno Porter, Mau Moore, Jas Innes, R^{d} Eagles, Corn^{s} Harnet, Math Rowan, John Davis, Sam Johnston, Jno Swain, Sam Woodwood, Roger Moore, Jas Hasel, Eleaz^{r} Allen, David Evans, Thos Clifford, Edw^{d} Hyrne

For Bladen—Math Rowan, Roger Adams, Sam Johnston, W^m^ Forbes Thos Lock, Nath Moore, W^m^ Maxwel, Jno Clayton, Ja Lyon, Jno Grange, Griff Jones, Hugh Blanning, Saml Woodward, Rob^t^ Hamilton, Jno Davis.

Ordered that pursuant to the late Law appointing Sheriffs instead of a provost Marshal Commissions issue for executing the Office of Sheriff

To Thomas Williams for Currituck, W^m^ Bryan for Pasquotank, Thos Weeks for Perquimons, Thomas Lalton for Chowan, Jno. Prat for Bertie, Thos. Kearney for Edgcombe, Jas Conner for Tyrril, W^m^ Ormond for Beaufort, W^m^ Harriss for Hyde, W^m^ Wilson for Craven, Sam Chadwic for Carteret, Jas Foyle for Onslow, Corn^s^ Harnet for New Hanover, W^m^ Forbes for Bladen

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At a Council held at Newton the 5^th^ June 1739.

Present His Excellency the Governour

The Honoble { Nath Rice, Eleazer Allen, Rob^t^ Halton, Math Rowan } Esq^rs^ Members of Council

Read Sundry Petitions for Patents Viz^t^

Jane Husbands for 320 Acres in New Hanover, George Roberts 1,000 Craven, Jas Murray 640 N. Hanover

Hugh Blaning for a resurvey of Land opposite to where he lives

Read the Petition of Robert Walker for 640^ac^ referred to Thursday

Of Thos Clark for 640 referred to Thursday

June 6^th^ 1739 Present His Excellency the Governour

The Honoble { Robert Halton, Eleazer Allen, Math Rowan, Edw^d^ Moseley, Roger Moore } Esq^rs^ Members of Council

Read the following Petitions for Patents Viz^t^

W^m^ Ford for a resurvey of Virginia Porters Land in Bladen to Ascertain his lines, Granted; Sam Harring for 547 Bertie County, Granted; Chas Ratcliff 300 Onslow, Granted; Joseph Reese son of David Reese deced for 300 Acres New Hanover

Ordered Warrant being to his Father the Patent to issue to the heir at Law

Morgan Morgan 320 above Burgaw New Hanover

Opposed by Col Moseley and delayed till the 2^d^ Tuesday in July

Nath Rice Esq^r^ 300^ac^ New Hanover, Granted; W^m^ Everit 300^ac^ Edgcombe, Granted; Chas Stevenson for a resurvey, Granted.

Upon Mr Forbes Resignation of the Sheriffs office and his Excellencys nomination of Mr Jno Clayton It is Ordered that notice be given to Mr Clayton to provide his Security and that a Commission do accordingly

issue appointing him Sheriff of Bladen for the remaining part of the two years agreeable to Law

Ordered that the former order on John Creels Petition be made out

Adjourned till

4 O'Clock P. M. Present His Excellency the Governour

The Honoble { Edw^{d} Moseley, Rob^{t} Halton, Roger Moore } Esq^{rs} Members of Council

Read the following Petitions

John Halley 200^{ac} Edgcombe, W^{m} White 300 Bladen, Rob^{t} Forster 300 Bertie, W^{m} Eaton 640 Edgcomb, Alex. M^{c}Culloch 100 N. Hanover, D^{o} 640 D^{o}, W^{m} Short 100 Bertie, Thos Kearney 300 Edgcombe, W^{m} Shorter 200 Bertie, W^{m} Moore 640 D^{o}, Edw^{d} Dillon 640 Edgcombe, Sol Alston 400 D^{o}, Edw^{d} Robertson 200 D^{o}, Flan Arthur Smith 350 Bertie, W^{m} Williamson 640 Edgcombe, Jos Step 400 Bertie, Thos Lane 200 Edgcombe, Thos Avent (400 ret^{d}) 350 Bertie, Andrew Burds 320 N. Hanover. Granted.

Ordered that Chas Harrison and James Minor Esq^{rs} be added as Justices to the Commission of the Peace for New Hanover County

The 7th June 1739. Present His Excellency

The Honoble { Nath Rice, Rob^{t} Halton, Eleazer Allen, Math Rowan, Edward Moseley, Roger Moore } Esq^{rs} Members of Council

Read the Petitions of Thomas Clark for 640 acres on Maxwells Creek A Caveat being entered against a grant passing to the Petitioner by Eleazer Allen Esq^{r} and it appearing to interfere with a prior Warrant to Mr Allen and that the said Warrant was delivered in due time to the Surveyor It was the opinion of the Board that a Patent for the said Land ought to issue to Mr Allen and not to Mr Clark on account of the Indirrection and Irregularity of the return to the apparent prejudice of the said Allen's right

And accordingly a Patent was ordered to Mr Allen for the said controverted Land

Read Sundry Petitions for Patents as follows Viz^{t}

Griffith Jones 320^{ac} Bladen, W^{m} Dean 100 Craven, Rob^{t} Walker 640 N. Hanover, Thos Bell 500 D^{o}, Thos Bryan 200 Bladen, Jno Bauldwin 100 D^{o}, Henry Roberts 640 Craven, Jonathan Swain 300 N. Hanover, Roger Adams 4,231 Bladen (a for^{mr} plot and Warr^{t} cancelled), Corn^{s} Tyson 640 Beaufort, W^{m} Faulks 500 Bertie, Epenetus Griffins 300 Tyrril, Fran^{s} Hobson 320 D^{o}, Marmaduke Norfleet 200 Edgcombe, Thos Nixon 500 N. Hanover, Jno Jacksons 300 Edgcombe, W^{m} Brown 160

D°, Jno Everet (but 214 ret^{d}) 300 D°, W^{m} Bryant 400 D°, Jno Doyle 640 Beaufort, Rich^{d} James 640 N. Hanover, Jno Spier 160 Edgcombe, W^{m} Faris 640 N. Hanover, Jno Davis 640 Bladen, Mar Holt 640 N. Hanover, Sam Bridgen 640 D°, W^{m} Everit 99 Edgcombe, Usher Espy 300 N. Hanover, W^{m} Reaves 400 Edgcombe, Edw^{d} Brown 100 D°, W^{m} Stanley 560 Craven, Jno Gatlin 300 D°, Dan Streen 480 D°, Jno Ealdom 500 D°, Edw^{d} Scot 500 N. Hanover, Sam Taylor 400 Tyrril, Peter Cone 300 D°, W^{m} Reeves 400 Edgcombe, Jno Collins 550 Bertie, Jas Herbert 132 Craven, Christ° Mercer 200 D°, Jno Scott 640 N. Hanover, Jno Rouse 190 Craven, D° 300 D°, Thos Harolds 390 D°, Jas Boon 200 D°, W^{m} Goodmans 600 Tyrril, Peter Moreton 640 Onslow, Thos Beasley 250 D°, Andrew Bass 630 Craven, Chas Hopton 640 D°, Rich Johnston 300 D°, Henry Owens 300 D°, Martin Fryar 175 D°, W^{m} Storry 200 D°, Rich Bass 400 D°, Simon Bright 640 D°, Joseph Dawson 114 D°, Wendle Blythe 139 D°, Jas Boon 200 D°, Rice Price 200 D°, Isaac Odams 100 D°, Geo Mich Wolf 400 D°, W^{m} Pate 195 D°, Jno Harring Senior 200 D°, Sam Harring Junior 320 D°, Bradberry Cock 100 Carteret, George Bishop 190 Onslow, Jas Conner 160 Tyrril

At a Council held at Newton the 8th day of June 1739

Present his Excellency

The Honoble { Rob^{t} Halton, Roger Moore, Eleaz^{r} Allen, Edw^{d} Moseley, Math Rowan } Esq^{rs} Members of Council

Upon Application of Roger Adams Esq^{r}

Ordered that a Patent be made out for 4,230 Acres to the said Adams according to a return now made by the Surveyor General instead of 3233 Acres formerly returned and granted and that the said Grant be null and the said return accordingly Cancelled

Read the Petition of Rob^{t} Walker for 640 acres in New Hanover

Read the Petition of Col Maurice Moore for a resurvey on Lands in N. Hanover County and that he may have the surplus if any which is ordered

Read the Petition of James Portevint praying that the Surveyor may resurvey his late Warrants

Read Sundry Petitions Viz^{t}

Jno Porter Esq^{r} 640 N. Hanover, Warrin Baldurn 600 D°, Jas Turhite 100 Craven, W^{m} Mayner 300 Onslow, Jas Minor 320 N. Hanover, Jno Taylor 400 D°, W^{m} Dry 640 N. Hanover, Abraham Odam 400 Craven, Jacob Sellers 250 D°, Henry Cooper 200 Bladen, Ronalds Hepburn 640 D°, R^{d} Mullington 200 D°. Granted

Adjourned to 4 P. M.

June 8th P. M. Present His Excellency the Governour

The Honoble { Robt Halton, Eleazer Allen, Math Rowan, Edwd Moseley } Esqrs Members of Council

A Patent of Seth Pilkington being produced in Court the Plot of which after sealing but before recording having been torn off the Secretary deferred the opinion of the Governour of the Council whether he might record the same without the plot who were of opinion he might

Read the following Petitions for Patents Vizt

John Cahoon 300 Edgecombe, John Barker 300 Do, Ja. Turner 300 Do, Moses Colman 200 Do, Jno Richards 300 Craven, Jno Howard 640 Onslow, Frans Grice 400 Edgecombe, Do 350 Do, Jno Mills 640 Beaufort, Jos Jno Alston 300 Edgecombe, Wm Kenchen 640 Do, Lewis Perry 300 Do, Jno Howard 640 Onslow, George Cooper 100 Do, George Stevens 240 Edgecombe, Josiah Thomas 640 N. Hanover, Chas Harrison 640 Do

Mau Moore for a resurvey of Sundry tracts on the Sound in New Hanover by patent 3500 Acres and the Surplus if any Granted

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At a Council held at Newton on Wednesday 11th July 1739.

Present His Excellency the Governour

The Honoble { Robt Halton, Edwd Moseley, Roger Moore } Esqrs Members of Council

Read the following Petitions Vizt

Richd Braswel 500ac Craven, Frans Bettis 640 Edgcombe, Sam Sessums 640 Do, Wm Hatcher 420 Edgcombe, Wm Williams 640 Do, Thos Graves for a resurvey of 640 Craven Granted

Petition of Eleazer Allen on behalf of Joseph Wragg of South Carolina Merchant was read and ordered to be delayed

Adjourned Sine Die

At a Council held at Newton on Saturday 22d September 1739

Present His Excellency the Governour

The Honoble { Wm Smith, Nath Rice, Math Rowan } Esqrs Members of Council

Read the following Petitions Vizt

Philemon Hawkins 100ac Edgcombe, Robt House 75 Pasquatank, James Porteviat 320 N. Hanover, Mary Price 340 Edgcombe, Andrew Nelly for a resurvey of 400, Robt Potter 200 N. Hanover, Jonathan Dixon 100 Do, Edwd Jones 300 Edgcombe, Ann Morgan for a resurvey of 320 Onslow Granted

At a Council held at Newbern 13 November 1739

Present His Excellency

The Honoble { Nath Rice, Math Rowan, Robt Halton, Edwd Moseley } Esqrs Members of Council

Ordered that the Assembly be prorogued to Thursday the 15th Instant there not being a sufficient number of Members to make an upper House and that a proclamation issue accordingly.

Read the Petition of Thos Jackson for a Warrant to resurvey a tract of Land on the So side of Meherrin Creek in Bertie held by James Castellaw for six hundred and forty acres as also another tract held by Elizabeth Cheshire on Roanoak in the said County praying the surplusage of both Granted only as to the resurvey

Thursday the 15th November 1739 Present as before

{ Will Smith and Eleazer Allen } Esqrs

His Excellency was pleased to acquaint the Board that the Assembly being prorogued to this Day 22 of the Members of the lower House waited on his Excellency to inform him that there was a Majority of Burgesses arrived in town that 23 had met together in obedience to his Majesty's Writ expecting the rest would have joined them when the contrary returned for answer by 3 of the said 23 who carried a Message to them from their Body purporting their desire that they might assemble together in order to form a House that they Were not at Leisure that afterwards one of the said 23 left them also so that 4 out of 26 were absconded which occasioned that they could not make a House the Blame thereof lying entirely at their Doors who had so absented themselves But that they desired it might be taken notice that for their parts they were there upon the Spot and ready to do their duty And then His Excellency demanded the opinion of the Council concerning such secession who after some discourse upon the subject in relation to the point of Law unanimously agreed that a Prorogation would be the best Expedient in the present Emergency and accordingly advised his Excellency to prorogue the Assembly to Monday next

Ordered thereupon that a Proclamation issue to prorogue the Assembly to Monday the 19th Instant

Monday the 19th Present as before

His Excellency was pleased to observe to the Board that on Thursday last several Members of the lower House of Assembly absenting so that there could be no lower House the Assembly was prorogued to this day and that now such a number have likewise withdrawn themselves as to

prevent making a house—Whereupon he desired the opinion and advice of the Council

Col Moseley proposed further prorogation for 2 days.

Mr Chief Justice took notice the Assembly had been already prorogued twice and that [no] more Members have assembled the Second time than before that the Wind is against those other Members that are expected from Pasquotank and other parts thereabouts so that there is no likehood of making a House if it should be Prorogued and that they were they to set the end of his Excellencys calling them together is not like to be answered by reason of the Heats and Animosities that reign among the Members whom he alledged were not a proper Representative of the People few of the Electors having come to the last Election by reason a former Election had turned out so ill that they thought it would be to no purpose and therefore were indifferent who were sent

That he thought twas beneath the Dignity of the other part of the Legislature to wait any longer for a lower House when so many of the Burgesses have contemptuously withdrawn themselves that for these Reasons he was for a Dissolution

Mr Rowan observed that the Members in Town did as good as say they did not expect Members enou[gh] would come to make a House and therefore was for a Prorogation to February or a Dissolution and the question being put whether the Assembly should be prorogued or dissolved the Majority was for a Dissolution and accordingly it was ordered that the Present Assembly be Dissolved and that a Proclamation issue to that effect

Ordered that Writts issue for a new Assembly returnable at Newbern on Tuesday the fifth of February next and that the day of Election be the fifteenth of January and that Proclamation be made accordingly

At a Council held at Newbern Tuesday 20 November 1739

Present His Excellency

The Honoble { Will Smith, Math Rowan, Nath Rice, Edwd Moseley, Robt Halton } Esqrs Members of Council

Read sundry Petitions for Patents as follows Vizt

Moses Prescot 280 Beaufort, Jos Jno Alston 500 Edgcombe, Robt Anderson 300 Tyrril, Do 640 Do, Do 300 Do, David Andrews 96 Craven, Warren Andrews 200 Tyrril, Jno Bryant 400 Bertie, Edwd Boykin 100 Do, Edwd Byrd 198 Do, Edwd Boykin 100 Do, Edwd Buxton 160 Edgcombe, Wm Bright 62 Craven, Nevil Bell 200 Carteret, George Carter 200 Edgcombe, Ant Cox 300 Craven, Elias Hodges 140 Edgcombe, Jno Hodges 300 Do, Frans Hopton 200 Do, Robt Hays 600 Craven, Jno Had-

ler 400 D°, Garrel Hyman 200 D°, George Grahams 100 Craven, Fran^{s} Grice 450 Edgcombe, Tho^{s} Goodman 500 D°, Nich^{s} Harper 87 D°, Arthur Jordan 150 Bertie, Morgan Morgan 320 N. Hanover, Wm. Moor 300 Bertie, Jn° Mathews 300 Craven, Jas McCwean 400 D°, W^{m} Phipps 150 Beaufort, Edw^{d} Poor 540 Edgcombe, D° 200 D°, Jn° Perrit 400 D°, Lewis Johnson 100 Craven, Cha King 300 D°, Tho^{s} Kirby 300 D°, W^{m} Cannady 320 Tyrril, Jno Lysles 300 Edgcombe, Jos Lane 200 D°, Tho^{s} Merrit, 400 D°, Jno Slad 200 Craven, Andrew Wallace 300 D°, Edw^{d} Williams 300 D°, W^{m} Wiggins 200 D°, Moses Tilman 383 D°, Sam Cannady 200 Edgcombe, Tho^{s} Carraway 379 Craven, Jno Dawson 320 Edgcombe, D° 250 D°, Francis Dawson, 600 Craven, Nath Draper 640 Beaufort, Jno Dawson (188 ret^{d}) 185 Bertie, D° for a resurvey (Jonas Merritts) 640 D°, Walter Dinon 200 Beaufort, Jno Forbes 320 D°, George Sweeting 200 Edgcombe W^{m} Shackleford 500 Carteret, Jno Rainwater 400 Edgcombe, Sam Williams (300^{ac} ret^{d}) 400 D°, D° 200 D°, Charles Smith 150 D°, Richard Warren 200 Beaufort, Sam Tyndal 370 D°, Tho^{s} Salters 300 D°, Jas Swain 640 Tyrril, Jno Shacleford, 400 Carteret, Tho^{s} Stevens 300 Craven, Franc^{s} Linskfield 300 D°, (Jno Bass for a resurvey of a tract in Edgcombe between fishing Creek and the Swamp late Jos Lane and the Surplus), W^{m} Gardnier for a resurvey of 640 in Tyrrel held by patent passed to him in 1730 Granted

Read the petition of Math Rowan Esq^{r} praying a Patent for 500 acres between the Lands of Morgan Morgan and Thomas Merrick Survey returned which being opposed by Col Moseley after some debate it was ordered peremptorily that the said dispute which has now depended some Courts be determined February next and to that end that all necessary Papers be then produced at this place.

Read the Petition of William Smith Esq^{r} for a Warrant for 450 Acres S° side of trent below the mouth of Lime Stone branch Warrant returned

Ordered that Martin Francks tract of 10,000 Acres be first resurveyed and another tract of 3,000 that he had his Excellencys Warrant for and then if it appears that the said Land does not fall within that Survey a Patent to issue as prayed

Mr Caldom petitioned for two Patents both dated 16 December 1735 to be altered in the name of the County the one being for 500^{ac} to Jacob Blount said to be lying in Beaufort whereas it should be Craven and the other for 640 to Churchill Caldom in Craven which should be Beaufort

Ordered that they are altered accordingly and this order endorsed upon them as also recorded in the patent Book Granted

21st November 1739 Present as before

Read Sundry Petitions for Patents Vizt

Thos Bird 200 Bertie, Thos Tyson 450 Beaufort, Frederick Jones 2239 Craven, Do 413 Do, Jno Smith 400 Craven, Jas McCwean 640 Do, William Brice 200 Do, Jno Hollingsworth 284 Do, Stephen Calvert 200 Do, Jno Altherton 100 Craven, Thos Howard 100 Do, Jno Williams 300 Do, Jno Smith 300 Do, Peter Prevat 390 Craven, Thos Carrold 300 Do, Charles Wilks 200 Do, Cornse Tyson 640 Beaufort Granted

Ordered that no Surveyor Deputy Surveyor or others presume to mark trees in running out Lines and Surveying Lands without an order of Council where there has been no lines run and marked before

Ordered *nemine contradicente* that the Chief Justice be appointed publick Treasurer for the Northern Counties and that Security be taken as the law directs and that his Commission be made out accordingly

Read the Petition of Esther O'Brian for a patent for 300ac Warrant returned being in the name of her late Husband George Carter Granted to the Heir at Law

Read Jno Creel's petition for a tract of 200ac and another of 500ac on tar river contested by Captain Bryan

Ordered that John Barron be appointed Sheriff for Beaufort

Ordered that no lands lapsed and forfeited in consequence of the Act of Assembly for settling his Majesty's Quit Rents shal be granted till they are regularly found to be forfeited after Inquisition and return made in due form by the Escheator

Ordered that all necessary papers as the Warrant for Resurvey former order of Court or Patent to Bryan (if any) be produced next Court at this place

Read the Petition of Col Turner shewing that he has the Kings patent for 640 Acres on the So side of Pamplico in Beaufort being on the Wt side of Nevil's Creek the Courses whereof contained no more than 420 Acres thō the plot has the full compliment he prays the courses may be made agreeable to the plot

Ordered that the Land be resurveyed and that Mr Peyton have notice in order to rectify the Courses as prayed

Ordered that the Secretary make out a Dedimus for Craven for the following to be Justices Vizt

Jno Masters, Jno Fonvielle, Jno Herring, Jno Smith

Do for Beaufort—Thos Williams, Rowland Porter Finch, Richd Evans, Josiah Jones

Do for Chowan—Abraham Blackhall, Saban Plumer

22 November Present as before.

Read the Sundry Petitions for Patents Viz^{t}

Hugh Stanilands 200 Craven, Jno Marshall 300 N. Hanover, Jeremiah Bigfurd 320 N. Hanover

Rich^{d} Lovit for a resurvey of the Plantation whereon he lives on trent river in Craven Granted.

The 23 November 1739 Present His Excellency the Governour

The Honoble { Nath Rice Rob^{t} Halton Math Rowan } Esq^{rs} Members of Council

Read Sundry Petitions for Patents as follows.

Edw^{d} M^{c}Agrahs 400 Bertie, Thos Evans 400 D^{o}, George Brewer 300 D^{o}, Jno Cox 300 Onslow, W^{m} Lewis 200 N. Hanover, Rob^{t} Taylor 100 Craven, W^{m} Herritage 300 D^{o}, Lewis Bryan 275 D^{o}, Jno Carroway 100 D^{o} Granted.

[B. P. R. O. Am: and W. Ind: Vols. 23 and 25.]

LEGISLATIVE JOURNALS.

North Carolina—ss.

At a General Assembly begun and held at Newburn on Tuesday the sixth day of February in the year of our Lord one thousand and seven hundred and thirty eight [1739] and in the twelfth year of His Majestie's reign.

Present

The hon^{ble}	Nath: Rice Math: Rowan Robert Halton Edw^{d} Moseley Roger Moor	Esq^{rs} Members of the Upper House

This House was pleased to appoint Edward Moseley and Roger Moor Esq^{rs} Members of this Board to administer the Oaths by Law appointed for the qualification of Publick Officers, to the severall Members of the House of Burgesses.

Then the House adjourned until tomorrow morning at ten of the clock.

Wednesday the seventh The House met according to Adjournment.

Present The hon^{ble} W^{m} Smith Esq^{re} President.

The hon^{ble}	Nath: Rice Math: Rowan Rob^{t} Halton Edw^{d} Moseley Eleaz: Allen Roger Moore	Esq^{rs} Members of the Upper House.

And adjourned untill tomorrow morning ten of the clock.

Thursday the eighth. The House met according to adjournment.

Present The hon^{ble} W^{m} Smith Esq^{re} President.

The hon^{ble}	Nath: Rice	Math: Rowan	Esq^{rs} Members of the Upper House.
	Rob^{t} Halton	Edw^{d} Moseley	
	Eleaz: Allen	Roger Moor	
	Cullen	Pollock.	

Then His Excellency the Governour came to the House and was pleased to order the immediate attendance of the House of Burgesses. Who accordingly came

Then he was pleased to direct them to return to their House and choose them a Speaker.

Whereupon they returned and acquainted His Excellency they had choose William Downing Esq^{re} their Speaker, and presented him to his Excellency for his approbation.

Then his Excellency was pleased to make the following speech to both Houses in these words viz^{t}:

Gentlemen of His Majestie's Council and of the House of Burgesses.

I have called you together some weeks sooner than I intended because I found it the unanimous desire of the Inhabitants of all ranks, and would willingly make the inclinations of the People the rule of my Administration, whenever I can do it by methods consistent with my Duty to the King & my own honour.

Gentlemen of the House of Burgesses.

I hope you are met together with firm resolutions to promote the publick good, and extinguish those divisions and animosities which have so long prevailed, and to relieve this unhappy Colony from those Calamities it has so long groan'd under.

To encourage you to sett about this in the most effectuall manner, I shall inform you that all those disputes concerning the Rights and Revenues of the Crown which have been carryed on with so much warmth for some years past and which engross'd the attention of former Assemblys are now fairly stated on both sides, and laid before His Majesty, and am well assured will speedily be determined in such manner as to render it impossible for any person whatsoever to revive for the future. So that there is nothing now to prevent you from applying yourselves to redress those real undisputed grievances which are of infinitely greater consequence than any of those about which so much noise has been lately made.

The establishment of the Publick worship of Almighty God, as it is the great foundation of the happyness of society, and without which you cannot expect His protection deserves your earliest care.

That in such a wide extended Province as this is inhabited by British Subjects, by Persons professing themselves Christians there should be but two Places where Divine service is regularly performed is really scandalous it is a reproach peculiar to this part of His Majestie's Dominions which you ought to remove without loss of time.

Your Laws which are at present dispersed in a few obscure, incorrect coppys ought to be carefully revised, and printed that the Magistrates may have a more plain and exact notion of those Laws they are to execute and the People you represent may be better acquainted with a matter on which their own, and their Posteritys lives and fortunes so much depend.

Your Trade Gentlemen has been always in so languishing a condition that it is surprising no attempts have ever been made to setle it on a right bottom and the poor appearance of it we have still among us, seem every day to decay.

As things at present stand, the People are impoverish'd and yet the Merchant not inriched, the Planter gets but a Trifle for the fruits of all his labours and the Trader not capable of making any returns.

It is highly incumbent on you Gentlemen to search this evil to the bottom, and not to suffer yourselves to be amused with superficial remedys.

If you do not think proper to give effectual encouragement for raising some produce, that will bear a price in British markets I am afraid all your other endeavours will be to little purpose.

Your imports will always hold a proportion to your exports, and if nothing is sent abroad, but what is a Drug in foreign Marketts, you can bring nothing home but the refuse of those Marketts and that at an extravagant Price too.

I should be glad Gentlemen if you would take these Subjects into your serious consideration; you would soon find a very sensible and happy alteration, both in Publick Affairs and your own Private fortunes, if the Assemblies of this Province would employ more of their time in adjusting such important points as those And not so much of it in Matters of less moment and which hath hitherto produced nothing but a great deal of unprofitable strife & contention.

Then His Excellency was pleased to leave the House.

Then the House was pleased to appoint Eleaz: Allen, Edw[d] Moseley and Roger Moor Esq[rs] a Committee to answer His Excellency the Governours speech.

Then the House adjourned until 3 of the clock in the afternoon.

Post Merid^{n} The House met according to Adjournment.

Present The hon^{ble} W^{m} Smith Esq^{re} President.

The hon^{ble}	Nath: Rice	Math: Rowan	Esq^{rs} Members of the Upper House
	Rob^{t} Halton	Edw^{d} Moseley	
	Eleaz: Allen	Roger Moor	
	Cullen Pollock		

M^{r} Allen from the Committee appointed reported the Address of the Board to the Governour's Speech.

Which was accordingly read in these words viz^{t}

To his Excellency Gabriel Johnston Esq^{re} Captain General and Governour in Chief of His Maj$^{tie's}$ Province of North Carolina.

The humble Address of His Majestie's Council of North Carolina now met in General Assembly.

We the King's most dutyfull and loyal subjects the General Assembly of North Carolina return your Excellency our hearty thanks for your Speech made at the Opening of this Session of Assembly, We are of opinion with your Excellency that the Establishment of the worship of Almighty God in this Province merits our chiefest care.

We shall therefore apply ourselves to consider the most proper methods, to make farther provision for the maintaining of an orthodox clergy among us. Next to this, Your Excellency wisely judges that the Trade of this Province deserves our greatest attention, we are very sensible of the many disadvantages this Province lyes under in this point, and we cannot say that former Assemblys have been wanting in their endeavours to promote our Trade, tho' they have prov'd fruitless. Notwithstanding our best endeavours shall not be wanting to aford such a reliefe as so great an Affair deserves.

Your Excellency has very justly observed the necessity of reviseing and printing the Laws of this Province, we propose to take the same under our consideration, and to direct the printing of them, when they shall have passed a revisal; whereby the Magistrates may become more sensible of their duty and the People of this Province better acquainted with what so nearly concerns them.

We are very sorry there have been any Occasion for the heats and uneasinesses which have happened in this Province, but since your Excellency assures us that there is an end likely to be put to them, by his most gracious Majesties interposing his Authority, we shall readily consider the things which your Excellency has recommended without any heat or unnecessary delay, the Members of this House being met with a firm resolution of doing everything in their power that they conceive may be for his Majestie's interest and the welfare and happyness of this Province

Which the House approved of and ordered to be engross'd.

Then the House adjourned untill to morrow morning ten of the clock.

Fryday the ninth The House met according to Adjournment.

Present The hon^{ble} William Smith Esq^{re} President.

The hon^{ble} { Nath: Rice, Math: Rowan, Rob^{t} Halton, Edw^{d} Moseley, Eleaz: Allen, Roger Moor, Cullen Pollock. } Esq^{rs} Members of the Upper House

The hon^{ble} Robert Halton, Eleaz: Allen, Roger Moor Esq^{rs} are appointed by this Board to waite upon his Excellency to know when he would be pleased, the House should waite upon him with their Address.

Who immediately returned and reported that His Excellency gave for answer—As soon as they pleased.

Whereupon the House forthwith waited upon his Excellency with Address.

Then M^{r} President read the same to his Excellency. And his Excellency was pleased to return thanks to the House for the same.

Whereupon they returned to the House.

Then Sir Richard Everard and Benj: Peyton brought up the following message from the Lower House in these words viz^{t}

May it please your Honours,

This House having occasion to call upon John Carter a Deputy Marshall to attend us upon a controverted election the said Carter sent a very abusive and saucy answer to our House, and the House since understanding the said Carter to be a servant in attendance on your Honours We pray that your Honours will direct the said Carter to attend our House to answer the said contempt, that proper measures may be taken with him for the same.

On reading the same this House was pleased to send the following Answer viz^{t}

M^{r} Speaker & Gentlemen,

In answer to your message relateing to Carter and the abuse offered by him, to your House as we can make no Dispute of the matter of fact and he being a Servant of Ours we are willing to give you any satisfaction the nature of the thing requires, but cannot consent to the sending him to you for punishment, because we take it to be the undoubted right of either House to punish their own Officers, to preserve therefore, the good harmony, we hope will always, subsist between us We have ordered Carter to wait on you, & ask pardon for his offence on his knees.

Then the House adjourned until 3 o'clock in the afternoon.

Post Merid^{n} The House met according to Adjournment.
Present The hon^{ble} William Smith Esq^{re} President.

The hon^{ble}	Nath. Rice	Math Rowan	Esq^{rs} Members of the Upper House
	Rob^{t} Halton	Edw^{d} Moseley	
	Eleaz: Allen	Roger Moor	
	Cullen Pollock		

M^{r} Benj: Hill & M^{r} John Swan brought up the following Messages.

May it please your Hon^{rs}

As this House conceives it to be the undoubted right of the House to punish all persons for Offences committed against them at their own discretion Notwithstanding the House being willing to avoid any Dispute with the Upper House at this time on that head, have ordered the said Carter to ask pardon on his knees, for the Offence, and that M^{r} Speaker reprimand him.

May it please your Hon^{rs}

This House having appointed a Committee to joyn such members of your House as your Hon^{rs} shall think proper to draw and prepare a Bill for the paym^{t} of His Majesties quit rents, and this House having appointed another Committee to joyn such of your House as your Honours shall think proper, for receiving and setling the claims of the said Province for Publick Services, are ready to proceed on the said Business.

To which this House was pleased to send the following answer Viz^{t}

M^{r} Speaker & Gentlemen,

In answer to your message by M^{r} Hill and M^{r} Swan We have appointed M^{r} Allen, Coll: Moseley and Coll: Pollock a Committee of your House, on the Bill for His Majesties quit rent and Coll. Halton and M^{r} Rowan on settling the claims, who will be ready tomorrow morning.

Then the House adjourned until tomorrow morning 10 of the Clock.

Saturday the tenth. The House met according to adjournment.
Present The hon^{ble} William Smith Esq^{re} President

The hon^{ble}	Nath Rice	Math Rowan	Esq^{rs} Members of the Upper House
	Rob^{t} Halton	Edw^{d} Moseley	
	Eleaz: Allen	Roger Moore	
	Cullen Pollock		

And adjourned until three O'the clock in the Afternoon

Post Merid^{n} The House met according to Adjournment.
Present The hon^{ble} William Smith Esq^{re} President

The hon^{ble}	Nath Rice	Math Rowan	Esq^{rs} Members of the Upper House
	Rob^{t} Halton	Edw^{d} Moseley	
	Eleaz: Allen	Roger Moore	
	Cullen Pollock		

And adjourned until Monday morning ten of the Clock.

Monday the twelfth The House met according to Adjournment.
Present The hon^ble^ William Smith Esq^re^ President.

The hon^ble^	Rob^t^ Halton	Edw^d^ Moseley	Esq^rs^ Members
	Eleaz: Allen	Roger Moore	of the
	Math Rowan	Cullen Pollock	Upper House

And adjourned until three of the clock in the Afternoon

Post Merid^n^ The House met according to adjournment.
Present The hon^ble^ William Smith Esq^re^ President.

The hon^ble^	Rob^t^ Halton	Edw^d^ Moseley	Esq^rs^ Members
	Eleaz: Allen	Roger Moore	of the
	Math Rowan	Cullen Pollock	Upper House

And adjourned until to morrow morning ten of the clock.

Tuesday the thirteenth The House met according to Adjournment.
Present The hon^ble^ William Smith Esq^re^ President.

The hon^ble^	Rob^t^ Halton	Edw^d^ Moseley	Esq^rs^ Members
	Eleaz: Allen	Roger Moore	of the
	Math: Rowan	Cullen Pollock	Upper House

M^r^ Blunt & M^r^ Butler Brought up a Bill for an Act for facilitating the navigation of the severall Ports in this Province and for buoying and beaconing the Channels leading from Occacock Inlet to Edenton, Bath Town and Newbern, and from Topsail Inlet to Beaufort Town, and for providing Pilots for the safe conduct of Vessells.

In the Lower House read the first time and pass'd.

Then the House adjourned untill three of the clock in the afternoon.

Post Merid^n^ The House met according to Adjournment. Present The hon^ble^ William Smith Esq^re^ President

The hon^ble^	Rob^t^ Halton	Edw^d^ Moseley	Esq^rs^ Members
	Eleaz: Allen	Roger Moor	of the
	Math: Rowan	Cullen Pollock.	Upper House

Read the Bill for an Act for facilitating the navigation of the severall Ports of this Province.

And ordered to lye upon the Table.

Then the House adjourned until to morrow morning 10 of the clock.

Wednesday the fourteenth The House met according to Adjournment. Present. The hon^ble^ William Smith Esq^re^ President.

The hon^ble^	Rob^t^ Halton	Edw^d^ Moseley	Esq^rs^ Members
	Eleaz: Allen	Roger Moor	of the
	Math: Rowan	Cullen Pollock.	Upper House.

Sir Richard Everard & M^r^ John Swan, Brought up the following messages.

MAY IT PLEASE YOUR HONRS

This House having appointed a Committee, to joyn those Members of your House as your Honours thought proper, for setling the publick Accounts, are ready to proceed on the said Business.

Sir Richard Everard & Mr John Swan also Brought up the following Bill vizt

A Bill for an Act appointing Sheriffs in the room of Marshalls in each Precinct of this Province, and for prescribing the method of appointing them, & limiting the time of their continuance in Office and directing their Duty therein.

In the Lower House read the first time and pass'd.

In this House read & Ordd to lye upon the Table.

Then the House adjourned until 3. of the clock in the Afternoon

Post Meridn. The House met according to adjournment. Present. The honble William Smith Esqre President

The honble	Robt Halton Eleaz: Allen Math: Rowan	Edwd Moseley Roger Moor Cullen Pollock.	Esqrs Members of the Upper House

And adjourned till to morrow morning ten of the clock

Thursday the fifteenth The House met according to Adjournment. Present. The honble Wm Smith Esqre President

The honble	Robert Halton Eleaz: Allen Math: Rowan	Edwd Moseley Roger Moor Cullen Pollock	Esqrs Members of the Upper House

And adjourned until 3 o' the clock in the Afternoon

Post Meridn The House met according to Adjournment. Present The honble Wm Smith Esqre President.

The honble	Robert Halton Eleaz: Allen Math: Rowan	Edwd Moseley Roger Moor Cullen Pollock	Esqrs Members of the Upper House

Sir Richard Everard & Mr Montgomery Brought up a Bill for an Act for providing His Majesty a rent roll for securing His Majesty's Quit rents and for quieting the Inhabitants in their possession, and for better settlement of His Majesty's Province of North Carolina.

In the Lower House read the first time and passed.

In this House read and Ordered to lye upon the Table.

This House was pleased to appoint the honble Eleaz: Allen and Roger Moor Esqrs a Committee of Our House to finish the settlement of the Publick Accounts, and Ordered the following Message be sent vizt

Mr Speaker & Gentlemen,

Eleazer Allen and Roger Moor Esqrs are appointed by this House, to joyn your Committee to inspect into the Publick Accounts.

Read the Bill for an Act for facilitating the Navigation of the severall Ports in this Province

The first time and passed with Amendments.

Read the Bill for an Act for appointing Sheriffs &c. The first time and passed

Mr Lovick & Mr. Starkey Brought up a Bill for an Act to erect a sufficient Goal, and an Office or Place for safe Keeping the Records of the General Court, and for repairing the Court House at Edenton, and for other Purposes therein mentioned.

In the Lower House read the first time and passed.

Mr Sinclare & Mr Dawson Brought up the following Bills vizt

A Bill for an Act for Encouragement & better regulation of the Town of Edenton.

A Bill for an Act to prevent killing Deer at unseasonable times.

A Bill for an Act for finishing the Court House and Prison of Onslow County.

A Bill for an Act for destroying Vermin in this Province.

A Bill for an Act to appoint that part of Bertie Precinct lying on the South side of Rhoanoke river, be a distinct Precinct & Parish by the name of Edgcomb Precinct and Parish.

A Bill for an Act to prevent injurys being done by killing mismarking & driving away Peoples stocks.

In the Lower House Read the aforesaid Bills & pass'd.

Then the House adjourned until tomorrow morning Ten of the Clock.

Fryday the sixteenth The House met according to Adjournment

Present The honble William Smith Esqre President.

The honble	Robert Halton Eleaz: Allen Math: Rowan	Edwd Moseley Roger Moor Cullen Pollock	Esqrs Members of the Upper House.

Read the Quit Rent Bill The first time and passed with Amendments

Then the House adjourned until 3 o' the clock in the afternoon.

Post Meridn The House met according to Adjournment.

Present the honble William Smith Esqre President

The honble	Robt Halton Eleaz: Allen Math: Rowan	Edwd Moseley Roger Moor Cullen Pollock	Esqrs Members of the Upper House

The Quit Rent Bill sent down

Read the Bill for an Act for finishing the Court House & Prison in Onslow Precinct.

Ordered to lye upon the Table.

The Bill for destroying of Vermin

The Bill to prevent killing Deer

The Bill to prevent killing of Cattle

The Bill for erecting a Goal & Office at Edenton

The Bill for encouragement of the Town of Edenton

Read the aforesaid Bills the first time and passed.

Read the Bill appointing part of Bertie a Precinct & Parish & Ordered to lye upon the Table

M^{r} Starkey & M^{r} Lee Brought up the two following Bills viz^{t}

A Bill declareing what shall be deemed a sufficient cultivation of Lands already granted, and hereafter to be granted by His Majesty, and for ascertaining the method of granting lapsed Lands.

A Bill for an Act for better support of the Clergy.

In the Lower House Read the aforesaid Bills the first time and passed.

Then the House adjourned untill to morrow morning ten o' the Clock.

Saturday the seventeenth The House met according to adjournment.

Present The hon^{ble} William Smith Esq^{re} President

The hon^{ble}	Rob^{t} Halton Eleaz: Allen Math: Rowan	Edw^{d} Moseley Roger Moor Cullen Pollock	Esq^{rs} Members of the Upper House.

Then the House adjourned untill three o' the Clock in the afternoon.

Post Merid^{n} The House met according to Adjournment.

Present The hon^{ble} William Smith Esq^{re} President.

The hon^{ble}	Rob^{t} Halton Eleaz: Allen Math: Rowan	Edw^{d} Moseley Roger Moor Cullen Pollock	Esq^{rs} Members of the Upper House

M^{r} Starkey & M^{r} Lee Brought up a Bill for an Act for appointing a Town on the Plantation whereon William Webster now dwelleth in Hide Precinct on the West side of Machapungo River.

In the Lower House Read the first time and passed.

M^{r} Hodgson & M^{r} Lee Brought up the Navigation Bill.

In the Lower House Read the second time and passed with Amendments.

Then the House adjourned until Monday morning 10 o' the Clock.

Monday the nineteenth. The House met according to adjournment.

Present The hon^{ble} William Smith Esq^{re} President.

The hon^{ble}	Rob^{t} Halton Eleaz: Allen Math. Rowan	Edw^{d} Moseley Roger Moor Cullen Pollock	Esq^{rs} Members of the Upper House.

Mr Peyton & Mr Wilson Brought up the Sheriffs Bill

In the Lower House Read the second time and passed with amendments.

The Cultavation Bill

The Bill appointing a Town on Webster's Plantation

Read the first time and passed.

Then the House adjourned untill three of the clock in the afternoon.

Post Meridn The House met according to Adjournment.

Present The honble William Smith Esqre President

The honble	Robt Halton	Edwd Moseley	Esqrs Members of the Upper House
	Eleaz: Allen	Roger Moor	
	Math: Rowan	Cullen Pollock	

Mr Hodgson & Mr Anderson Brought up the following Bills

The Bill for erecting a Goal & Office at Edenton

In the Lower House Read the second time and passed with Amendments.

A Bill for an Act for appointing Circuit Courts and for enlarging the power of the County Courts.

In the Lower House Read the first time and passed.

Mr Peyton & Mr Wilson Brought up The Bill for the better regulation of Edenton.

In the Lower House Read the second time and passed with Amendments.

Then the House adjourned until tomorrow morning ten of the clock.

Tuesday the twentieth The House met according to Adjournment.

Present The honble William Smith Esqre President.

The honble	Robt Halton	Edwd Moseley	Esqrs Members of the Upper House
	Eleaz: Allen	Roger Moor	
	Math: Rowan	Cullen Pollock	

Mr Lovick & Mr Mabson Brought up a Bill for an Act for easeing the Inhabitants, of that part of Craven Precinct, that lyes on the East side of Clubfords Creek on the south side of Neuse river, to the mouth thereof and for adding them to, and thereby enlarging the Precinct of Carteret.

In the Lower House Read the first time and passed.

The Sheriffs Bill Read the second time and passed.

The Circuit Bill Read the first time and passed.

The Bill for the Enlargement of Carteret Read & Ordered to lye upon the Table.

Sir Richd Everard & Mr Peyton Brought up a Bill for an Act for the encouragement of making of Indigo.

In the Lower House Read the first time and passed.

In this House Read & Ordered to lye upon the Table.

Mr Forbes & Mr Moore, Brought up the Quit Rent Bill

In the Lower House Read the second time and passed with amendments.

Then the House adjourned until three o' the clock in the Afternoon.

Post Meridn The House met according to adjournment.

Present the honble William Smith Esqre President

The honble	Robt Halton	Edwd Moseley	Esqrs Members
	Eleaz: Allen	Cullen Pollock	of the
	Math: Rowan		Upper House

Then the House adjourned untill to morrow morning Ten o' the Clock.

Wednesday the Twenty first. The House met according to adjournment.

Present the honble William Smith Esqre President.

The honble	Robt Halton	Edwd Moseley	Esqrs Members
	Eleaz: Allen	Roger Moor	of the
	Math Rowan.	Cullen Pollock	Upper House.

Mr Maurice Moore & Mr John Swan Brought up the Sheriffs Bill.

In the Lower House Read the third time and passed with Amendments.

Mr Sinclare & Mr Blount, Brought up the Bill for appointing a Town on Websters Plantation.

In the Lower House Read the second time and passed.

Mr Smithick & Mr Lee, Brought up the Cultavation Bill.

In the Lower House Read the second time and passed with Amendments.

Mr Moore and Mr John Swan, brought up the Vermin bill.

In the Lower House Read the second time and passed with Amendments.

Mr Moore & Mr John Swan, Brought up a Bill for an Act for the better ascertaining the fees of the several Officers within this Province.

In the Lower House Read the first time and passed.

Mr Spruil & Mr Rigby, Brought up a Bill for an Act for the effectual establishing a Publick Ferry from Bath Town to Core Point and for preventing any other Ferry within ten miles of the said Bath Town on the same side of the river.

In the Lower House Read the first time and passed.

Mr Bryan & Mr Weeks, Brought up a Petition preferr'd by George Linniton, praying that a Bounty may be given him for the encouragement of raising of Indigo.

Sir Rich[d] Everard & Col: Forbes, Brought up the following Message.

MAY IT PLEASE YOUR HON[rs]

It is the Resolution of this House, that all Persons who have any of the Publick Bills of this Province in their hands, made in the year one thousand seven hundred & twenty nine if they do not appear at Newbern Town on or before the twenty fourth of this instant February, and apply to the Commissioners appointed for exchangeing the said Bills to have such Bills exchanged, and that they be precluded from the benefitt of exchangeing them hereafter and that the Commis[rs] appointed for exchangeing the said Bills, do destroy those Bills they have already exchanged by burning them.

M[r] Simon Bryan & M[r] William Bryan Brought up the following Message

MAY IT PLEASE YOUR HON[rs]

In the Bill for ascertaining the Officers' Fees in this Province, the Collector & Naval Officers' Fees were omitted by mistake in not tacking them to the Bill. We have sent them that they may be tacked thereto.

Then the House adjourned until to morrow morning 8 o' the clock.

Thursday the Twenty second. The House met according to adjournment.

Present The Hon[ble] William Smith Esq[re] President.

The hon[ble]	Rob[t] Halton	Edw[d] Moseley	Esq[rs] Members
	Eleaz: Allen	Roger Moor	of the
	Math: Rowan	Cullen Pollock	Upper House

M[r] Lovick & M[r] Sinclare Brought up the Bill to prevent the killing of Deer.

In the Lower House Read the second time and passed.

Read the Quit Rent Bill The second time & passed with Amendments.

Read the Clergy Bill The first time and passed.

Then the House adjourned until 3 o' the clock in the afternoon.

Post Merid[n] The House met according to Adjournment.

Present The hon[ble] William Smith Esq[re] President.

The hon[ble]	Rob[t] Halton	Edw[d] Moseley	Esq[rs] Members
	Eleaz: Allen	Roger Moor	of the
	Math: Rowan	Cullen Pollock	Upper House.

Read the Bill for destroying of Vermin The second time and passed

M[r] Lovick & M[r] Sinclare brought up the Circuit Bill

In the Lower House Read the second time and passed.

As also the Bill for laying a Poll tax, for building a Prison and Stocks on Websters Plantation.

In the Lower House Read the first time and passed.

Then the House adjourned until to morrow morning ten o' the clock.

Fryday the Twenty third. The House met according to Adjournment.

Present The hon^{ble} Wiilliam Smith Esq^{re} President.

The hon^{ble}	Robert Halton	Edw^{d} Moseley	Esq^{rs} Members
	Eleaz. Allen	Roger Moor	of the
	Math: Rowan	Cullen Pollock	Upper House

Read the Sheriffs Bill The third time and passed.

Ordered the same to be engross'd.

Then the House adjourned untill three o' the clock in the afternoon.

Post Merid^{n} The House met according to Adjournment.

Present The hon^{ble} William Smith Esq^{re} President

The hon^{ble}	Robert Halton	Edw^{d} Moseley	Esq^{rs} Members
	Eleaz: Allen	Roger Moor	of the
	Math: Rowan	Cullen Pollock	Upper House

The Cultavation Bill Read the second time & passed with Amendments.

The Fee Bill Read the first time and passed.

The Bill for erecting a Goal & Office at Edenton Read the second time & passed with Amendments.

A Bill for an Act for the better ascertaining the bounds of the Lotts in Newbern Town and for appointing Commissioners and regulating other matters relating to the said Town. Read and Ordered to lye upon the Table.

The Bill for the regulation of Edenton. Read the second time & passed with Amendments.

Sir Rich^{d} Everard & M^{r} Montgomery Brought up the following Message,

May it please your Hon^{rs}

The House desires a Conference with your House to treat on the following heads contained in the Quit Rent Bill, and that you would appoint a time & place for this House to attend your Hon^{rs} for the same purpose.

First. On the Provisional Clause to prevent any construction in that Act to revoke the Grand Deed in all its Points.

Secondly. That the word sterling be struck out in the rateing the Commodities.

Thirdly. That paying the rated Commodities for the Quit rents extend general to all parts of this Province, and the manner of paying them be regulated.

Fourthly. That the Clause be again incerted for allowing fifteen ℔ cent for carrying the rated commodities to the Ware houses for payment of Quit rents.

Fifthly. That the Clause be again incerted to limit a time of Distress for the Arrears of Quit Rent now due.

Sixthly. That any payments in Gold or Silver in discharge of Quit Rents, shall be taken in Proclamation money.

On reading said Message the House agreed thereto, and appointed Eleazar Allen, Mathew Rowan, and Edw[d] Moseley Esq[rs] to manage the said Conference.

Ordered that a Message be sent to the Lower House in Answer thereto.

M[r] Speaker & Gentlemen,

As we are willing to conclude the Debates of the Quit Rent Bill, in such a manner as becomes the two Houses, We readily consent to the Conference, you have desired, On the severall heads, mentioned in your message And have accordingly appointed to morrow morning at Ten of the clock, at the Councill Chamber to be the time and place for it.

Then the House adjourned untill to morrow morning nine of the clock.

Saturday the twenty fourth. The House met according to Adjournment.

Present The hon[ble] William Smith Esq[re] President.

The hon[ble]	Rob[t] Halton	Edw[d] Moseley	Esq[rs] Members
	Eleaz: Allen	Roger Moore	of the
	Math: Rowan	Cullen Pollock	Upper House.

M[r] Hodgson & M[r] Anderson, Brought up the following Bills viz[t]

The Bill for Encouragement of Edenton.

The Bill to erect a Goal & Office at Edenton.

In the Lower House Read said Bills the third time and passed.

M[r] Speaker, Attended by the House waited upon this House in the Council Chamber upon a Conference on the severall heads mentioned in their Message of last night and after some debate thereon returned to their House again.

The Bill to erect a Goal & Office at Edenton

The Bill for the regulation of the Town of Edenton

Read said Bills third time & passed. And Ordered to be engrossed.

The Bill for preventing killing of Deer

Read the second time and passed.

Then the House adjourned untill 3 o'clock in the Afternoon.

Post Merid^{n} The House met according to Adjournment.
Present The hon^{ble} William Smith Esq^{re} President.

The hon^{ble}	Rob^{t} Halton Eleaz: Allen Math: Rowan	Edw^{d} Moseley Roger Moor Cullen Pollock	Esq^{rs} Members of the Upper House.

Then the House adjourned untill Monday morning Ten o' the Clock.

Monday the twenty sixth The House met according to adjournment.
Present The hon^{ble} William Smith Esq^{re} President.

The hon^{ble}	Rob^{t} Halton Eleaz: Allen Math: Rowan	Edw^{d} Moseley Cullen Pollock	Esq^{rs} Members of the Upper House.

And adjourned untill 3 o' the clock in the afternoon.

Post Merid^{n} The House met according to Adjournment.
Present The hon^{ble} William Smith Esq^{re} President.

The hon^{ble}	Rob^{t} Halton Eleaz: Allen Math: Rowan	Edw^{d} Moseley Cullen Pollock	Esq^{rs} Members of the Upper House.

M^{r} Hodgson & M^{r} M^{t}Gomery Brought up the Quit Rent Bill

In the Lower House Read the third time and passed with Amendments.

Sir Rich^{d} Everard & M^{r} Forbus Brought up the following Message

MAY IT PLEASE YOUR HON^{rs}

We send you herewith a Petition from the Commissioners for emitting and exchangeing the new Bills of Credit of this Province, and desire your Concurrance in granting their request, as by the Petition sett forth to which we refer you to, And likewise we desire you will joyn this House in requesting his Excellency to order the said Comm^{rs} to pay to this House the money in their hands, not exchanged in order to discharge the Publick Debts of this Province.

The Petition of the Comm^{rs} sent up with the above Message viz^{t}

GENTLEMEN OF THE COMMITTEE,

We are sorry that this Assembly have met at so great a distance from the place appointed for exchangeing the old Bills and Vouchers for our payment of the claims are kept so, that we could not bring the old Bills exchanged, nor the Vouchers for the payment of the claims without very great risque, for a loss in either would put it out of our power to compleat our Accounts.

Therefore we now only can give you an Account, that we have in old Bills exchanged, thirty seven thousand eight hundred and seventy nine

pounds, fifteen shillings and sixpence and have three thousand three hundred in New Bills left in our hands at least, but are not able at present to make a perfect settlement because the claims are not pay'd.

Therefore we must request you will recommend to both Houses that a Committee be appointed to examine our accounts and Report to the next Assembly, and that proper orders may be given concerning the counterpart And how we are to dispose of the money now in our hands which will greatly oblige, Gentlemen,

Your most humble Servants,

ELEAZ: ALLEN
CULLEN POLLOCK
WILLIAM DOWNING
JAMES CASTELLAW.

The House concurr'd with the above Message and Ordered that the hon^{ble} William Smith Esq^{re} be appointed on the part of this House, to join a Committee of the Lower House to examine the old Bills and see them destroyed.

And that Mathew Rowan and Edward Moseley Esq^{rs} be appointed a Committee of this House to examine the accounts of the Commissioners for stamping & exchanging the New Bills, to joyn a Committee of the Lower House, for that purpose, and report the same at the next Session of Assembly.

The Vermin Bill Read the third time and passed.

Ordered to be engrossed.

The Circuit Bill Read the second time and passed.

Then the House adjourned until 3 o' the clock in the afternoon.

Post Merid^{n} The House met according to adjournment.

Present The hon^{ble} William Smith Esq^{re} President.

The hon^{ble}	Rob^{t} Halton, Eleaz: Allen, Math: Rowan, Edw^{d} Moseley, Cullen Pollock	Esq^{rs} Members of the Upper House

Then the House took under their consideration the Quit Rent Bill and on reading the same found several Amendments necessary to be made &

Ordered that the following Message be sent to the Lower House viz^{t}

M^{r} Speaker & Gentlemen

On reading the Quit rent Bill the third time, we find it will be necessary to make some amendments on the following heads, on which we desire a conference to morrow morning.

First. On the rateing of Hemp in one part of the Bill, it is put at three pence half penny ℔ pound proclamation money and in another part at threepence Proclamation money. We propose to strike out the half penny in the first to make the Bill uniform and to incert Flax in both places at three pence ℔ pound.

Secondly. We think the (word) money in the Clause for paying the Quit Rents in Gold and Silver superfluous, and that it ought to be struck out.

Thirdly. That the Quit rents for Hide Precinct be paid in Bath Town, as usual and not in Hide Precinct.

Fourthly. That the Quit rents for Carteret Precinct be paid at Newbern, and not at Beaufort Town.

Fifthly. That the Quit Rents for Onslow, Bladen & New Hanover Precincts be paid at Newtown & no other place.

Mr Nath: Moore & Mr Forbes Brought up a Bill for an Act to prevent the concealment of tythables in the several Counties within this Province, and for declareing what Persons shall be deemed tythables and laying a Poll tax, for defraying the standing and contingent charges of Government, and appointing a Publick Treasurer for this Province.

In the Lower House Read the first time & passed.

Mr Hodgson & Mr Anderson Brought up the Cultavation Bill.

In the Lower House read the third time and passed.

Then the House adjourned untill to morrow morning ten o' the clock.

Wednesday the twenty eighth. The House met according to Adjournment.

Present The honble Wm Smith Esqre President.

The honble	Robt Halton Eleaz: Allen	Math: Rowan Edwd Moseley	Esqrs Members of the Upper House

Mr Scarbrough & Mr Peyton Brought up the Bill to prevent killing of Deer.

In the Lower House read the third time and passed with Amendments

Mr Hodgson & Mr Swan, Brought up the following Message in answer to our Message of Yesterday.

May it please your Honrs

In complyance to your Message this House will waite on your Honrs to morrow morning in order to confer on the proposed heads.

Mr MtGomery & Mr Hodgson Brought up the Circuit Bill

In the Lower House Read the third time and passed.

Mr Speaker, Attended by the House waited upon this House in the Council Chamber upon a Conference on the several heads mentioned in

our Message of Yesterday, and after some debate thereon returned to their House again.

Then the House adjourned untill 3 o' the Clock in the afternoon.

Post Merid[n]. The House met according to Adjournment. Present The hon[ble] William Smith Esq[re] President

The hon[ble]	Rob[t] Halton	Math: Rowan	Esq[rs] Members of the
	Eleaz: Allen	Edw[d] Moseley	Upper House

Upon reading the Quit Rent Bill again the House thought fitt to make the several Amendments as in the following Message, which with the Bill, was sent down to the Lower House for their Concurrence viz[t]

M[r] Speaker & Gentlemen,

We herewith send you the Quit Rent Bill—Read the third time in our House and passed with Amendments—Which are

First. The price of Hemp is rated at three pence ℔ pound Proclamation.

Secondly. Flax added to the Commodities at three pence ℔ pound Proclamation.

Thirdly. The Landings are altered for Bath County & the Quit Rents made payable at Bath, Newbern & Newtown.

Fourthly. A Non Obstante clause added to the Clause for the payment of old rents in Albemarle County.

To which we desire your Concurrence.

The Circuit Bill. Read the third time and passed. Ordered to be engrossed.

Then the House adjourned until to morrow morning 10. o' the clock.

Thursday March the first. The House met according to Adjournment. Present The hon[ble] William Smith Esq[re] President.

The hon[ble]	Rob[t] Halton	Math: Rowan	Esq[rs] Members of the
	Eleaz: Allen	Edw[d] Moseley	Upper House

M[r] Scarbrough & M[r] Peyton, Brought up the Bill to prevent killing of Deer.

In the Lower House Read the third time and passed with Amendments.

Together with the following Message regarding the sev[ll] Amendments to be made in the Quit Rent Bill viz[t]

May it please your Hon[rs]

In Answer to your Message with the Quit Rent Bill, Wee have concurred with your Amendments, & have ordered the Bill to be engrossed.

The Bill for laying a Pole tax, to build a Prison & Stocks on William Websters Plantation.

The Bill to prevent the concealment of Tythables.

Read said Bills the first time and passed.

The Cultivation Bill Read the third time and passed

Ordered to be engrossed.

A Bill for an Act for making, clearing and repairing roads, for making Bridges, and setling ferrys for the more convenient traveling, passing of ferrys, and carrying by Land all goods and Merchantdizes, or other things within this Province.

Read the first time and passed.

Ordered to lye upon the Table

Then the House adjourned until 3 o' the clock in the afternoon.

Post Merid^{n} The House met according to Adjournment.

Present The hon^{ble} William Smith Esq^{re} President.

The hon^{ble}	Rob^{t} Halton Eleaz: Allen	Math: Rowan Edw^{d} Moseley	Esq^{rs} Members of the Upper House.

And adjourned until tomorrow morning Ten o' the clock.

Friday the Second The House met according to Adjournment.

Present The hon^{ble} William Smith Esq^{re} President

The hon^{ble}	Rob^{t} Halton Eleaz: Allen	Math: Rowan Edw^{d} Moseley	Esq^{rs} Members of the Upper House

M^{r} Hodgson & M^{r} Anderson Brought up the Bill to prevent the concealment of Tythables, &c.

In the Lower House Read the second time and passed with Amendments.

Sir Richard Everard brought up the following Message viz^{t}

MAY IT PLEASE YOUR HON^{rs}

Wee have nominated the following Persons to be powder receivers for the several Ports and Places within this Province to which we desire your Concurrence

For Port Rhoanoke	M^{r} John Blount
Port Beaufort	M^{r} Benj^{n} Peyton
Old Topsail Inlet	M^{r} Thos. Lovick
Neuse River	Col. William Wilson
Corrituck	M^{r} Stephen Lee
Brunswick	M^{r} Tho^{s} Clifford
Bear Inlet	M^{r} Abraham Mitchell

M^{r} Hodgson & M^{r} MtGomery Brought up the Fee Bill.

In the Lower House Read the second time and passed.

Then the House adjourned until 3 o' the clock in the afternoon.

Post Merid^{n} The House met according to Adjournment.
Present The hon^{ble} William Smith Esq^{re} President

The hon^{ble}	Robt Halton Eleaz: Allen	Math: Rowan Edw^{d} Moseley	Esq^{rs} Members of the Upper House

The Bill to prevent killing of Deer. Read third time and passed. Ordered to be engrossed.

Then the House adjourned untill tomorrow morning ten o' the clock.

Saturday the third The House met according to Adjournment.
Present The hon^{ble} William Smith Esq^{re} President

The hon^{ble}	Rob^{t} Halton Eleaz: Allen	Math: Rowan Edw^{d} Moseley	Esq^{rs} Members of the Upper House

M^{r} James Castellaw & M^{r} John Starky Brought up the following Message viz^{t}

MAY IT PLEASE YOUR HON^{rs}

This House having resolved that fifty pounds be given to the Reverend M^{r} John Lappiere, Desire your Concurrence. To which the House concurred.

The Navigation Bill

The Bill to prevent the concealment of Tythables. Read the second time & passed with Amendments.

Then the House took the Fee Bill under their consideration and Ordered the same to lye upon the Table untill Monday morning.

The Bill appointing a Town at William Webster's Plantation, Read the second time & passed.

M^{r} Forbes & M^{r} Moore, Brought up the Navigation Bill

In the Lower House Read the third time & passed.

Then the House adjourned untill 3 o' the clock in the afternoon.

Post Merid^{n} The House met according to Adjournment.
Present The hon^{ble} William Smith Esq^{re} President

The hon^{blo}	Rob^{t} Halton Eleaz: Allen	Math: Rowan Edw^{d} Moseley	Esq^{rs} Members of the Upper House

M^{r} Hodgson & M^{r} M^{t}Gomery Brought up the Bill to prevent the Concealment of Tythables, together with the following Message.

In the Lower House said Bills Read the third time & passed.

MAY IT PLEASE YOUR HON^{rs}

We desire the temporary clause herewith sent may be added to the Act for facilitating the Navigation. It being forgot by this House before we sent up the Bill.

And be it enacted by the authority aforesaid that this Act shall continue in force for six years, after the ratification hereof, and no longer. To which this House agreed.

Mr Willson & Mr Lane brought up a Bill for an Act for Building a Court House and Prison in Craven County.

In the Lower House Read the first time and passed.

Then the House adjourned untill Monday morning ten o' the clock.

Monday the fifth. The House met according to Adjournment.

Present the honble William Smith Esqre President.

The honble	Robt Halton Eleaz: Allen	Math: Rowan Edwd Moseley	Esqrs Members of the Upper House

The Bill to prevent the concealment of Tythables. Read the third time and passed. Ordered to be engrossed.

The Navigation Bill Read the third time and passed with Amendments.

The above Bill sent down to the Lower House with the following Message.

Mr Speaker & Gentlemen,

On reading the Navigation Bill the third time we have one Amendment vizt

We think five Comrs for Brunswick sufficient and therefore have struck out Mr Clifford & Mr Murry.

To which we desire your Concurrence

To which the Lower House concurred

Sir Richard Everard & Mr John Swan brought up three following Messages vizt

May it please your Honrs

This House having taken into consideration the ill consequences this Province lyes under, for want of Coppy of the several Laws now in force, since the year one thousand seven hundred and thirty three, being delivered to the severall County Courts of this Province.

Whereupon this House resolved that William Heritage clerk of this House have and receive fifteen pounds out of the publick moneys to obtain a Coppy of the said Laws, from the Secretrs Office, and if any surplus should remain that the said Clerk account for the same to this House. And if the summe should not be sufficient for the use aforesaid that then the clerk be allowed a claim for the same, And that the said Clerk do from the Copy, to be obtained as aforesaid transcribe and transmit a Copy of the said severall Laws to each & every of the said severall Countys in this Province, and that he be allowed for the same four pence

℔ copy sheet containing ninety words, in each and every of the said Acts. And that when the said service shall be performed the Clerk of each County Court is directed to give a Certificate of the same and of the number of the sheets and upon shewing such Certificate the Governor or Commander in Chiefe for the time being shall issue his warrant for the payment thereof to the said Clerk of this House

To which we desire your Concurrence.

MAY IT PLEASE YOUR HONRS

We have appointed John M^{t}Gomery Esq^{re}, M^{r} John Hodgson, M^{r} John Blount, M^{r} Stephen Lee, M^{r} Samuel Spruel, M^{r} Edw^{d} Smithick and M^{r} Joseph Anderson or the majority of them, to joyn such Members of your House as you shall appoint, to examine and burn the old Bills of credit, which have been exchanged for those of the new emission and to report the same to the next Session of Assembly, and to order the disposal of the counterparts of those Bills of the last Emission, and to settle the act with Commissioners appointed for emitting the New Bills and report the same as above.

MAY IT PLEASE YOUR HONRS

The Law for the payment of the Members of Assembly of this Province being expired since the last Session We therefore desire your Honours will agree with us in passing the following Ordinance for the payment of the Members of this Session of Assembly.

That the speaker of this House be paid the same wages for his service in Assembly as the President of yours.

That all the Members of this present Assembly be paid in same manner as by the Law for the payment of Assemblys now expired is directed.

M^{r} Sinclare & M^{r} Hill brought up the Bill appointing a Town on Websters Plantation.

In the Lower House Read the third time and passed.

In this House Read the third time and passed.

Ordered to be engrossed.

Sir Rich^{d} Everard & M^{r} M^{t}Gomery brought up from the Lower House a verbal Message

That on examining the Ingrossed Quit rent Bill they had found a mistake in not distinguishing that part of the Province formerly known by the name of Albemarle County from that part of the Province formerly known by the name of Bath County, where the places for the payment of the Quit Rents are appointed and desire the concurrance of the House to the adding a Clause to that purpose.

Which was agreed and Ordered to be incerted in said Bill.

Then the House took the Fee Bill under their consideration and Ordered to lye upon the Table.

Then his Excellency was pleased to come to the House & Ordered the following Message to be sent to Lower House viz^{t}

I command the immediate attendance of your House with such Bills as are engrossed. GAB: JOHNSTON.

Then the Speaker attended by the House came to the Council Chamber, & presented to his Excellency the following Bills viz^{t}

The Quit Rent Bill and

The Cultavation Bill

Which his Excellency was pleased to ratifye in open Assembly.

Then his Excellency was pleased to leave the House. And the House adjourned untill to morrow morning 10. o' the clock.

Tuesday the 6th The House met according to Adjournment.

Present The hon^{ble} William Smith Esq^{re} President.

The hon^{ble}	Rob^{t} Halton	Math: Rowan	Esq^{rs} Members of the
	Eleaz: Allen	Edw^{d} Moseley	Upper House

The House was pleased to send the three following Messages in Answer to their three last Messages viz^{t}

M^{r} Speaker & Gentlemen,

In answer to your Message relateing to the Copys of the Laws, we join with you in opinion, that it is absolutely necessary, they be delivered to the General and County Courts, of this Province both as to what have passed since the year one thousand seven hundred & thirty three, as well as what shall be passed for the future but we cannot so readily agree, to your resolution that the Clerk of your House, shall obtain a Copy of the Laws from the Secretary's Office at the price of fifteen pounds only and that he transmit from that Copy one to every County in this Province Because we take it to belong to the Secretary's Office only so to do, and we hope upon further consideration you will join with us in thinking that to divest one Office of it's known right and give it to another without just cause is inconsistent with the justice of either House.

Wee therefore propose that the Secretary be Ordered to transmit all Copys of Laws to the General and County Courts and to be allowed seven pence half penny Proclamation ℔ copy sheet and that to be paid him on such certificate as you mentioned.

Mr Speaker & Gentlemen,

In answer to your Message relateing to burning the old Bills of Credit &c.

Wee have appointed the Chief Justice on the part of our House to examine and see them burnt, and to order the Disposal of the Counterparts, of the New Emission and Math: Rowan and Edwd Moseley Esqrs to settle the Accounts with the Commissioners.

Mr Speaker & Gentlemen,

In answer to your Message relateing to the payment of the wages, of the Members of Assembly, we cannot agree, that the Speaker of your House be paid the same with the President of ours, and as to your second resolve, if you intend by it that the Members of this House as well as those of yours, be paid in the same manner, as by the Laws now expired we readily consent to it.

Sir Richd Everard & Mr John Swan Brought up the following Message vizt

May it please your Honrs

This House having appointed the following persons, to be Commissioners for reviseing the Laws of this Province now in force, in conjunction with such Members of your House as your Honours shall be pleased to appoint vizt Mr John M^{t}Gomery, Mr John Hodgson and Mr Joseph Anderson to joyn some of your House at Edenton—Sir Richard Everard Baronet, Mr Samuel Swan, and Mr John Swan to joyn some of your House at Capefair. To which we desire your concurrance.

Then the House adjourned untill 3. o' the clock in the Afternoon.

Post Meridn. The House met according to Adjournment. Present The honble William Smith Esqre President.

The honble	Robt Halton Eleaz: Allen	Math: Rowan Edwd Moseley	Esqrs Members of the Upper House.

Then his Excellency was pleased to come to the House and send a mandate to the Lower House Ordering their immediate attendance with such Bills as were ready, at the Council Chamber.

Whereupon the Speaker attended by the House, waited upon his Excellency with the following Bills which he accordingly presented to him vizt

The Sheriffs Bill
The Circuit Bill
The Navigation Bill

The Bill for erecting a Goal at Edenton
The Bill for regulateing the Town of Edenton
The Bill to prevent the concealment of Tythables
The Vermin Bill
The Bill for appointing a Town on Websters Plantation
The Bill to prevent killing of Deer.

Then his Excellency was pleased to ratifye the aforesaid Bills in open Assembly.

And then prorogued the Assembly untill to morrow morning Ten of the clock.

And accordingly the same was prorogued.

North Carolina—ss.

At an Assembly begun and held at Newbern on Wednesday the seventh day of March in the year of our Lord one thousand seven hundred & thirty eight [1739] and in the twelfth year of his Majᵗⁱᵉˢ reign, pursuant to the Prorogation of yesterday.

Present. The honᵇˡᵉ William Smith Esqʳᵉ President.

The honᵇˡᵉ	Robᵗ Halton Eleaz: Allen	Math: Rowan Edwᵈ Moseley	Esqʳˢ Members of the Upper House.

Then his Excellency was pleased to come to the House and sent a Mandate to the Lower House Ordering their immediate attendance.

Whereupon the Speaker attended by the House waited upon his Excellency in the Council Chamber.

Then his Excellency was pleased to order them to return to their House, and proceed upon such business, as lay before them.

Who thereupon departed

Then his Excellency was pleased to leave the House.

Mʳ Peyton & Mʳ Bryan Brought up a Bill for an Act to supply the defects of an Act passed last Sessions of Assembly intitled an Act for appointing Sheriffs in the room of Marshalls.

In the Lower House Read the first time & passed.

In this House read the first time and passed.

Mʳ Hodgson & Mʳ MᵗGomery Brought up the said Bill.

In the Lower House Read the second time and passed.

In this House Read the second time and passed.

Mʳ John Swan & Mʳ Blount Brought up the said Bill.

In the Lower House read the third time and passed.

In this House Read the third time and passed. And Ordered to be engrossed.

Sir Rich[d] Everard & M[r] John Swan Brought up the following Messages viz[t]

MAY IT PLEASE YOUR HON[rs]

This House hath appointed Sir Richard Everard Bar[t], Col. Benjamin Hill, Col. William Wilson, Col: Forbes, and Col: M[c]Rora Scarbrough to be a Committee to joyn such Members of your House as your Honours shall think fit to appoint to finish the settlement of the Publick Accounts. And desire your Concurrance.

MAY IT PLEASE YOUR HON[rs]

This House having resolved that all persons who are in arrear to the Publick for any moneys by them received (except in the loan money and the Pole tax heretofore laid and collected by the precinct Treasurers) do pay the same to the General Treasurers in their respective districts, on or before the first day of August next in order to pay the Publick claims and that his Excellency be addressed to issue his warrant to the said Treasurers for payment of the same. To which we desire your Honours' Concurrence.

And it is resolved that all Persons who are in arrear to the Publick, shall discount so much of their wages as shall be due to them towards discharging the same. To which we also desire your Concurrence.

M[r] John Swan & M[r] Benj[n] Hill brought up the following Message.

Wee are sorry that in your Answer you seem to disagree with our resolution for our Clerk to get a Copy of the Laws passed in the year one thousand seven hundred & thirty three from the Secretary's Office from which he should be obliged to make out Copys for the several County Courts in this Province whereby the Majistrates might be better informed of their duty, because you say it ought to be done by the Secretary, and that it is a right of the Secretary so to do, but as your Honours have not shewn us any instances of the Secretarys ever having heretofore made out such Copys neither do we find that he hath ever done it, therefore we have reason to believe that it hath been the practice heretofore in this Province for the Clerk of this House to make out the said Copys for the several Precincts or Countys, and we are of opinion, that in our said Resolve we have not divested one Office of any right heretofore belonging to such Office to give such right to any other and we are further of opinion that one Copy of the Laws Every Session ought to be made out by the Secretary for the use of this House and no more for which we think we have in our resolve made a sufficient allowance But if your Honours are of a contrary opinion we are ready to make such further allowance as shall be thought reasonable.

Sir Rich[d] Everard & M[r] John Swan Brought up the following Message.

MAY IT PLEASE YOUR HON[rs]

We are preparing an estimate of the wages due to the Members of this House, this Session, and also of former Assemblys, and desire an estimate of those of your House to make the same compleat.

Then the House was pleased to send the two following Messages to the Lower House in answer to their two regarding the settlement of the Publick Accounts and the Persons in arrear to the Publick.

M[r] SPEAKER & GENTLEMEN,

The hon[ble] Eleaz: Allen and Edw[d] Moseley Esq[rs] are appointed a Committee of our House to join yours to finish the settlements of the Publick Accounts.

M[r] SPEAKER & GENTLEMEN,

In answer to your Message relateing to the money in the hands of such Persons as are in Arrears to the Publick

This House is of opinion that the speediest way for those Persons to be paid who have Publick claims will be for those Persons who have the Publick moneys in their hands to pay the claims allowed by this Assembly to the Claimants.

And that his Excellency the Governour be desired to issue his warrant accordingly.

As to the latter part of your Message the methods you propose has been observed in paying the Claimants by discounting the wages and Claims allowed.

Then his Excellency the Governour came to the House and was pleased to order the immediate attendance of the Lower House.

Whereupon the Speaker attended by the House waited upon his Excellency in the Council Chamber.

And presented to his Excellency the Bill for an Act to supply the defects of an Act passed last Session of Assembly. Intitled an Act for appointing Sheriffs in the room of Marshalls.

To which His Excellency was pleased to assent.

Then his Excellency was pleased to prorogue this Assembly to the second Tuesday in November next.

NORTH CAROLINA—ss.

At a General Assembly begun and held at Newbern the sixth day of February, one thousand seven hundred and thirty eight [1739] and in the twelfth year of the reign of our sovereign Lord George the sec-

ond by the grace of God of Great Britain, France and Ireland King &c. being the first Session of this present Assembly.

Thirty seven Members appeared, were duly qualified and took their seats in the House.

The House adjourned till to morrow 10 °Clock.

Wednesday 7th of Febry 173$\frac{8}{9}$. The House met according to Adjournment.

The House adjourned till to morrow 10 O'clock.

Thursday ye 8th of Febry 1738. [1739] The House met according to Adjournment.

It is unanimously resolved that William Heritage Gent: be appointed Clerk to this House and that he give sufficient security for the due execution of his sd Office.

His Excellency the Governor sent a Message to this House commanding their immediate attendance—Whereupon this House in a full body waited on his Excellency at the Council Chamber who directed them to return to their House and make choice of a Speaker, who unanimously chose Wm Downing Esqre Speaker—Then this House presented him to his Excellency who was pleased to approve thereof then made the following Speech [For the Governor's address see Journal of Upper House.—Editor.]

Wm Herritage Gent appeared and was duly qualified Clerk of this House.

Ordered that John Montgomery Esqr Sir Richard Everard Bart Mr Sam: Swann, Mr James Castelaw and Mr Benj: Hill be appointed a Committee to answer his Excellency the Govrs Speech.

Ordered That all persons concerned with Publick money as Treasurers of the several Precincts, Receivers of the impost moneys and receivers of Powder moneys do attend this House on Thursday the fifteenth of this instant. February and bring their respective accounts and that notification thereof be put up at the door of this House.

Ordered If the Treasurers of the several Precincts do not appear as also the Receivers of the impost money and Receivers of the Powder moneys at the time and place aforesaid that a messenger be immediately sent for them.

Ordered that Mr James Castelaw, Mr Thomas Luten, Mr Sam: Swann, Sir Richard Everard Bart, Arthur Mabson, and Mr Simon Bryan be appointed a Committee to joyn such Members of the Upper House as they shall think proper, to prepare a Quit Rent Bill.

Mr John Hodgson and Mr Sam. Swann were appointed to prepare a Fee Bill.

Mr John Hodgson, Mr Jos: Long, Mr William Bryan, Mr John Dawson, Mr Stevens Lee, Mr Benj: Peyton, Mr Sam: Sinclare, Mr Wm Wilson, Mr Thos. Lovick, Mr John Starkey and Mr John Swann were appointed a Committee of claims to joyn such Members of the Upper House, as shall be appointed to joyn them.

Ordered That John Montgomery Esqre, Mr Joseph Anderson, Mr John Blount and Mr Thos. Bryant do prepare and bring in a Bill for an Act to declare how Lands are to be cultivated and to avoid disputes in lapsing Lands.

The House adjourned till 4 o'clock post Meridn

The House met according to Adjournment.

Read the Petition of Walter Lane &c complaining of an undue election of a Member for New Bonn [New Bern] Town

Read the Petition of Richard Rigby &c. complaining of an undue election of a Member for Bath Town.

Ordered That a messenger be sent from this House to bring Robert Boyd who was the returning Officer, to appear before this House on Monday the twelfth instant to answer to this House wherefore he hath returned Robt Turner duly elected Member to represent the Town of Bath in the Precinct of Beaufort and that the Clerk of this House immediately issue an Order in pursuance thereto.

Read The Petition of Robert Hewan and others complaining that the navigation from Ocacock Inlet to the several Ports and Rivers in this Province is very dangerous. Praying the Pilotage may be regulated and the most dangerous places from the said Inlet to the several rivers may be buoyed and beaconed &c.

The House adjourned till to Morrow 8 o'clock.

Fryday ye 9th of February 1738. [1739]

The House met according to Adjournment.

The Committee appointed to draw an address to his Excellcy produced one which was unanimously approved of by the House.

Sent the following Message to the Upper House

May it please your Honours,

This House having occasion to call upon John Carter a Deputy Marshall to attend this House upon a controverted Election the said Carter sent a very abusive Answer to this House; this House since understanding the said Carter to be an Officer in attendance on your Honours we therefore pray your Honours will direct the said Carter to attend this House to answer the said Contempt that proper measures may be taken to punish him for the same.

Ordered That John Montgomery Esq^re^ and M^r^ John Hodgson do wait on his Excellency the Governor to know his pleasure when this House shall present their address.

Reported by John Montgomery Esq^re^ and M^r^ Hodgson that it was his Excellency's pleasure this House should wait on him immediately with their address.

Resolved That M^r^ Speaker issue his warrant directed to the Sergeant at arms to bring John Pratt late Clerk of this House to answer why he did not attend and deliver the Records and papers thereto belonging.

This House resolved into a Committee of the whole House to examine into the poll for New Bern and unanimously chose John Montgomery Esq^re^ Chairman.

Received the following Message from the Upper House (viz:)

M^r^ Speaker & Gent^n^

In answer to your Message relateing to John Carter and the abuse offered by him to your House as we can make no dispute of the matter of fact, and he being a servant of ours we are very willing to give you any satisfaction the nature of the thing requires, but cannot consent to the sending him to you for punishment because we take it to be the undoubted right of either House to punish their own officers, to preserve therefore the good harmony we hope will always subsist between both we have ordered Carter to wait on you and ask pardon for his offence on his knees.

Sent the following Message to the Upper House

May it please your Honours,

As this House conceives it to be the undoubted right of this House to punish all persons for offences committed against them at their own discretion notwithstanding the House being willing to avoid any disputes with the Upper House (at this time on that head) have ordered the said Carter to ask pardon on his knees for the offence and that M^r^ Speaker repremand him severely.

Ordered That John Carter appear at the barr of this House, who accordingly did; and asked pardon of this House for his offence on his knees, and was severely repremanded by M^r^ Speaker.

M^r^ Speaker with the House waited on his Excellency the Governor in the Council Chamber and presented the address of this House to him in these words (viz^t^)

To his Excellency Gabriel Johnston Esq^re^ Captain General and Governor in Chief of his Majestie's Province of North Carolina.

The Humble Address of the Gen: Assembly of this Province.

We the King's most dutifull and loyal subjects the General Assembly of North Carolina return your Excellency our hearty thanks for your Speech made at the opening of this Assembly we are of opinion with your Excellency that the establishment of the worship of Allmighty God in this Province merits our chiefest care we shall therefore apply ourselves to consider the most proper methods to make further provision for the maintaining of an Orthodox Clergy among us.

Next to this your Excellency wisely judges that the Trade of this Province deserves our great attention we are very sensible of the many disadvantages this Province lyes under in that point and we cannot say that former Assemblys have been wanting in their endeavours to promote our Trade tho' they have proved fruitless. Notwithstanding our best endeavours shall not be wanting to afford such a relief as so great an affair deserves.

Your Excellency has very justly observed the necessity of reviseing and printing the Laws of this Province, we purpose to take the same into our consideration and to direct the printing of them when they shall have past a revisal whereby the Magistrates may become more sensible of their duty and the people of this Province better acquainted with what so nearly concerns them.

We are very sorry there hath been any occasion for the heats and uneasinesses which have happened in this Province but since your Excellency assures us that there is an end likely to be put to them by his most gracious Majesty's interposing his authority we shall readily consider the things which your Excellency has recommended without any heat or unnecessary delay the Members of this House being met with a firm resolution of doing everything in their power that they conceive may be for his Maj^ties^ interest, and the welfare and happiness of this Province.

This House resolved into a Committee of the whole House to examine into the poll of New Bern and M^r^ Chairman took the chair.

After some time spent therein M^r^ Speaker resum'd the chair.

The House adjourned till 3 o'clock in the afternoon

The House met according to adjournment.

This House taking into consideration the ilconveniency they lye under for want of the late Clerk M^r^ John Prat together with the records and papers belonging to this House thought proper to address his Excellency

the Governor by John Montgomery Esq^re^ and M^r^ John Swann in order to obtain a Press warrant to expedite the messenger to bring the said Prat before them.

Who returned for answer to this House that his Excell^cy^ thought this House had an undoubted right to issue a Press warrant for that purpose, however his Excellency was pleased to issue a press warrant for the purpose desired.

Read the Petition of several of the Inhabitants of Onslow Precinct setting forth &c.

Praying an Act might pass to enable them to finish a Court House &c. which is already begun. Which was approved of by the House.

The House resolved into a Committee of the whole House and resumed the debates on the controverted Election for New Bern and M^r^ Chairman took the chair.

After some time spent M^r^ Speaker resumed the chair.

Then M^r^ Chairman reported that M^r^ Walter Lane is duly elected Burgess for the said Town who appeared and was qualified and took his seat in the House accordingly.

Sent the following Message to the Upper House

MAY IT PLEASE YOUR HONOURS.

This House having appointed a Committee to joyn such Members of your House as your Hon^rs^ shall think proper to draw and prepare a Bill for the payment of His Majesty's Quit Rents, and this House having likewise appointed another Committee to joyn such of your House as your Honours shall think proper for receiving and settling the claims of this Province for Publick services are ready to proceed on the said Business.

Received the following Message from the Upper House

M^r^ SPEAKER & GENTLEMEN,

In answer to your message by M^r^ Swann and Coll^o^ Hill we have appointed M^r^ Allen, Col: Moseley & Col: Pollock a Committee of our House on the Bills for His Majesty's Quit rents and Coll: Halton and M^r^ Rowan on settling the claims who will be ready to joyn yours to Morrow morning.

The House adjourned till to Morrow 8 o'clock.

Saturday y^e^ 10^th^ of Feb^ry^ 1738. [1739] The House met according to adjournment.

The House adjourned till Monday 8 o'clock.

Monday y^e^ 12^th^ of February 1738. [1739] The House met according to Adjournment.

The following Members appeared and was qualified viz: M^r^ Math: Moore, M^r^ W^m^ Mackay, Coll: W^m^ Forbes, M^r^ Tho^s^ Williams, M^r^ John Ethridge, M^r^ Thomas Davis and M^r^ W^m^ Leary and took their seats in the House accordingly.

Read the Bill for an Act for enlarging the jurisdiction of the Precinct Courts and erecting circular Courts.

Ordered the same lye on the table for consideration.

Read a Bill for an Act for facilitating Navigation.

Ordered the same lye on the table for consideration.

Read a Bill for an Act to erect a Goal, an Office or Place for the safe keeping the Records of the General Court and for repairing the Court House at Edenton.

Ordered the same lye on the table for consideration.

The House adjourned till to Morrow 10 o'clock.

Tuesday y^e^ 13^th^ of February 1738. [1739] The House met according to Adjournment.

Read and sent to the Upper House the Bill for an Act for facilitating the Navigation &c.

M^r^ John Prat late Clerk to this House appeared voluntarily before this House and produced several Books & Papers belonging to this House there not being all he had in his Custody.

Resolved the said Prat keep in his Custody till sent for the said Books & Papers, by this House and that this House have recourse to such papers the s^d^ Pratt hath in his custody when they see proper.

Read the Bill for providing his Majesty a Rent Roll for securing his Majesty's Quit Rents for the remission of arrears of Quit Rents and for quieting the Inhabitants in their possessions and for the better settlement of his Majesty's Province of North Carolina.

Ordered the said Bill lye on the table till Thursday morning for consideration.

The House adjourned till 4 o'clock post merid:

The House met according to Adjournment.

The House resolved into a Committee of the whole House to examine into the merits of Richard Rigby's Petition complaining of an undue Election of Robert Turner for a Burgess to serve in this Assembly for the Town of Bath.

After examination of several witnesses the matter was debated by the said Committee.

M^r^ Speaker resumed the chair.

Resolved that the setting Member Coll: Robert Turner was not duly elected Burgess to serve in this present General Assembly for the Town of Bath.

Resolved that Rich^{d} Rigby the Petitioner was duly elected Burgess to serve in this present General Assembly for the Town of Bath.

The following persons were appointed a Committee to joyn such Members of the Upper House they shall think proper to appoint to settle the Publick accounts viz^{t} Sir Richard Everard Bart, Coll. W^{m} Forbes, Coll: Benj: Hill, M^{r} Fred^{k} Jones & Coll. M^{c}Rora Scarbrough.

M^{r} John Swann moved the House that Robert Boyd the returning Officer for a Burgess to serve in this General Assembly for the Town of Bath to be sent for to the barr of this House and be mildly repremanded by M^{r} Speaker for obliterating the Poll for Bath Town & other misdemeanours in contempt of the Priviledges of this House. The said Robert Boyd was immediately sent for to said barr and was accordingly by M^{r} Speaker repremanded.

John Montgomery Esq^{re} moved for leave to bring in a Bill for an Act for the encouragement and better regulation of the Town of Edenton. Ordered that he have leave ~~and~~ that he prepare and bring in the same.

The House adjourned till to morrow 10. o'clock.

Wednesday y^{e} 14th of Feb^{ry} 1738. [1739] The House met according to Adjournment.

Read and sent to the Upper House the Bill for an Act for appointing sheriffs in the room of Marshals in every Precinct in this Province.

Sent the following Message to the Upper House

MAY IT PLEASE YOUR HONOURS.

This House having appointed a Committee to joyn those Members of your House as your Honours thought proper for settling the Publick Accounts are ready to proceed on the said Business.

Read and sent to the Upper House the Bill for an Act for the better encouragement and regulation of the Town of Edenton.

Richard Rigby appeared was qualified a Member of this House and took his seat accordingly.

The House adjourned till 4 o'clock post merid:

The House met according to Adjournment.

The House adjourned till to morrow 10. o'clock.

Thursday y^{e} 15 of Feb^{ry} 1738. [1739] The House met according to adjournment.

Read the Petition of Jonathan Bateman &c. Praying to be exempt from all Publick dutys & paying levys. The same granted.

Mr John Starkey moved this House in behalf of Lazarus Kerney. Praying the said Lazarus might be exempt from paying publick levys & all publick dutys. The same granted.

Read the Petition of Darby McCarty in behalf of his son Dennis McCarty. Praying the said Dennis might be exempt from all publick duties and paying taxes &c. The same granted during the time he shall continue infirm.

Sir Richard Everard moved for leave to bring in a Bill for an Act to appoint inspectors for receiving Tobacco for payment of his Majestys Quit Rents. Ordered to prepare and bring in the same.

Read and sent to the Upper House a Bill for an Act for Providing His Majesty a Rent Roll &c.

The House adjourned till 4 o'clock post merid:

The House met according to Adjournment.

Reported by Sir Richard Everard from the Committee appointed by the House to treat with Robert Halton Esqre Provost Marshall of this Province Concerning the resignation of his Office of Provost Marshall, that the said Committee proposed to allow the said Halton the sum of two thousand pounds current Bills one moiety thereof to be paid to the said Halton on the resignation of his said Office the other moiety or half to be paid to the said Halton upon the confirmation of a Law to be passed for appointing Sheriffs in each Precinct or County.

To which this House unanimously agreed.

Received the following message from the Upper House

Mr Speaker & Gentlemen,

Eleazer Allen and Roger Moore Esqre are appointed by this House to joyn your Committee to inspect into the Publick accounts.

Received from the Upper House the Bill for an Act for facilitating the navigation of the several ports of this Province and for buoying and beaconing out the Channels &c

Read and sent to the Upper House the Bill for an Act to erect a Goal, an office or place for the safe keeping the records of the General Court —and the Bill for an Act to prevent injurys being done by killing, mismarking of peoples stocks &c.

And a Bill for an Act to prevent killing Deer at unseasonable times— And a Bill for an Act to appoint that part of Bertie Precinct on the south side of Roanoke into a distinct Precinct and Parish by the name of Edgcomb Precinct & Parish—And a Bill for an Act for finishing the Court House and Prison in Onslow Precinct—And a Bill for an Act for destroying Vermin.

Read the Petition of John Jones Praying to be exempt from paying levys, working on the roads and all Publick dutys. The same granted.

Received from the Upper House the Bill for an Act for appointing Sheriffs in the room of Marshalls &c.

Mr Stevens Lee moved this House in behalf of Nathaniel Everet senr praying the said Everet might be exempt from paying levys and other Publick services. The same granted.

Mr Benjn Peyton moved this House in behalf of Cornelius Collier of Beaufort Precinct—Praying the said Collier might be exempt from paying levys & other Publick services. The same granted.

Mr Scarbrough moved this House in behalf of Daniel Horn of Pequimons Precinct. Praying the said Horn might be exempt from paying levys and all Public services. The same Granted.

Read the Petition of Thos. Tooly of Hyde Precinct. Praying to be exempt from working on the roads, appearing at Musters and all Publick Taxes. The same granted.

Mr Sutton moved this House in behalf of Wm Simpson of Pasquotank Precinct. Praying the said Simpson might be exempt from all publick services & paying levys. The same granted.

The House adjourned till to morrow 9 o'clock.

Fryday ye 16th Febry 1738. [1739] The House met according to Adjournment.

Read and sent to the Upper House the Bill for an Act for facilitating the navigation of the several ports within this Province &c

The House adjourned till half hour after 3 o'clock post merid.

The House met according to Adjournment.

Received from the Upper House the Bill for an Act for providing his Majesty a Rent Roll &c

Read and sent the following Bills to the Upper House vizt

A Bill for an Act declaring what shall be deem'd a sufficient cultivation of Lands and for ascertaining the manner of planting Lapse Lands.

A Bill for an Act for the better support of the Clergy of this Province.

A Bill for an Act for appointing a Town on the Plantation whereon William Webster dwelleth in Hyde Precinct on the west side of Maschapungo River.

Read the Petition of William Crisp. Praying to be exempt from paying Publick levys and publick services. The same granted.

Read the Petition of Joseph Scuttlethorp, Praying to be exempt from paying publick levys and public services. The same granted.

Received from the Upper House the following Bills viz^{t}

A Bill for an Act for destroying Vermin.

A Bill for an Act to prevent killing deer at unseasonable times.

A Bill for an Act to prevent Injurys being done by killing, mismarking and driving away people's stocks.

A Bill for an Act for the encouragement and better regulation of the Town of Edenton.

A Bill for an Act to erect a Goal, an Office or Place for the safe keeping the Records of the General Court and for repairing the Court House at Edenton.

The House adjourned till to morrow 9 o'clock.

Saturday y^{e} 17th of Feb^{ry} 1738. [1739] The House met according to Adjournment.

Read the Petition of several of the Inhabitants of the lower part of Craven Precinct. Praying an Act might pass to joyn the lower part of Craven Precinct to Carteret Precinct.

Ordered that M^{r} Lovick and M^{r} Mabson bring in a Bill pursuant to the said Petition.

Read the Petition of Geo. Linington setting forth he hath brought the making of indigo to perfection in this Province. Praying such bounty for the same as this House shall think proper. And produced the following estimate of one acre tended in Indigo viz^{t}

To one acre producing from 15. pound to 20. pound of neat Indigo and may be tended by one Negro which at a medium fetches at home from 4^{s} 6^{d} to 5^{s} ℔ pound sterling.

N. B. The whole work is to be done in the summer season only.

The charges of cisterns made of Brick or wood cannot be very great the materials being very reasonable here, none of the work in making Indigo will any way hinder or prevent any plantation work.

Ordered that Sir Richard Everard and M^{r} Hodgson do prepare and bring in a Bill pursuant to the prayer of the said Petition.

The House adjourned till 4 o'clock post merid.

The House met according to Adjournment.

The House adjourned till Monday morning 9. o'clock.

Monday the 19th of February 1738. [1739] The House met according to Adjournment.

As the Inhabitants of Albemarle County by virtue of the great Deed of Grant given by the late Lords Proprietors to that County bearing date the first day of May 1668 have an undoubted right to pay his Majesty's Rents as the Inhabitants of Virginia

Resolved That in passing any laws relating to the payment of any of the said rents this House will make the Law and practice of Virginia (as near as the circumstances of said County will allow) the rule of practice of this.

M^r^ Sutton moved this House in behalf of George Gordon of Pequimons Precinct, Praying the s^d^ Gordon might be exempt from paying levys & all Publick services. The same granted.

Read and sent to the Upper House the following Bills viz^t^

A Bill for an Act for appointing Sheriffs in the room of Marshalls &c.

A Bill for an Act for the encouragement and better regulation of the town of Edenton.

Read the Petition of Thomas Harris Praying to be exempt from paying levys and other publick services &c.

The same referr'd to Committee Claims.

M^r^ Mabson brought in a Bill for an Act for the ease of that part of Craven Precinct that lyes on the east side of clubfoots creek on the said side of Nuse river to the mouth thereof and for adding them to and thereby enlargeing the Precinct of Carteret.

Which was read & sent to the Upper House.

Received from the Upper House the Bill for an Act declaring what shall be deemed a sufficient cultivation of Lands &c. And a Bill for an Act for appointing a Town on the Plantation where W^m^ Webster now dwelleth.

Read and sent to the Upper House the Bill for an Act for appointing Circuit Courts &c.

A Bill for an Act for appropriating two thousand pounds Curr. Bills &c.—with amendments.

The House adjourned till half hour past 4 o'clock, p. m.

The House met according to Adjournment.

Read the Bill for an Act for providing his Majesty a Rent Roll &c.

Ordered the same lye on the table for consideration.

M^r^ Hodgson, M^r^ Hill, M^r^ Dawson and M^r^ Castelaw were appointed a Committee to prepare a clause (to be added to the Bill for an Act for providing his Majesty a Rent Roll &c.) To appoint inspectors of Tobacco for payment of his Majesty's Quit rents.

The House adjourned till to morrow 9 o'clock.

Tuesday y^e^ 20^th^ of Feb^ry^ 1738.

The House met according to Adjournment.

M^r^ Hodgson produced a clause to be added to the Bill for an Act for providing his Majesty a rent roll &c. for appointing Inspectors of Tobacco for payment of his Majesty's Quit rents.

Ordered the said clause to be added to the said Bill.

Read and sent the said Bill to the Upper House.

And an Act for the encouraging the making of indigo.

Received from the Upper House the Bill for an Act for appointing Sheriffs in the room of Marshalls &c. with amendments.

And a Bill for an Act for appointing Circuit Courts &c.

The House adjourned till 4 o'clock post merid:

The House met according to Adjournment.

The House adjourned till to morrow 10 o'clock.

Wednesday y^e^ 21^st^ Feb^ry^ 1738. [1739]

The House met according to Adjournment.

Sent the following resolve to the Upper House (viz^t^)

Resolved That all Persons who have any of the Publick Bills of this Province in their hands made in the year 1729 and do not appear at New Bern Town on or before the 24^th^ of this instant and apply to the Commissioners appointed for exchanging such Bills shall be precluded from exchanging such Bills hereafter. And that the said Commissioners appointed for the exchanging the said Bills do destroy those Bills they have already exchanged by burning.

Sir Richard Everard moved this House that the Petition of George Linington praying to be allowed a Bounty for making Indigo which should have been sent with the Bill for that purpose may now be sent to the Upper House.

Sent the same by M^r^ Bryan and M^r^ Weeks.

Read and sent to the Upper House the following Bills viz^t^ A Bill for an Act for appointing Sheriffs in the room of Marshalls—with Amendments.

A Bill for an Act for destroying Vermin—with amend^ts^

A Bill for an Act for the better ascertaining the Fees for the several Officers within this Province.

A Bill for an Act declaring what shall be deemed a sufficient cultivation of Lands &c—with amendments.

A Bill for an Act for the more effectually establishing a ferry from Bath Town to Core Point &c.

A Bill for an Act appointing a Town in Hyde County &c.

Sent the following Message to the Upper House

MAY IT PLEASE YOUR HONOURS,

It is the resolution of this House that all persons who have any of the Publick Bills of this Province in their hands made in the year 1729 and

do not appear at New Bern Town on or before the 24th of this instant February and apply to the Comm^{rs} appointed for exchanging such Bills shall be precluded from exchanging such Bills hereafter. And that the Comm^{rs} appointed for exchanging the said Bills do destroy those Bills they have already exchanged by burning them

Sir Richard Everard moved this House for leave to bring in a Bill to declare all the fines, forfeitures, penalties or sùmms mentioned in the Laws made under the late Lords Proprietors, to be proclamation money.

Ordered he have leave to prepare and bring in the said Bill.

The House adjourned till 4 o'clock post merid^{n}

The House met according to Adjournment.

Sir Richard Everard from the Committee for settling the Publick Accounts reported that the several Treasurers and other Receivers of the Publick moneys hath not attended the said Committee according to order and prayed the aid of the House that M^{r} Speaker would issue his warrant to cause the said Treasurers &c to appear and bring in their accounts.

Resolved, That M^{r} Speaker issue his warrant accordingly.

Read the Petition of James Lord, Praying to be exempt from paying publick taxes and working on the roads. The same granted.

Sent the following Message to the Upper House.

To the Hon^{ble} the Upper House,

MAY IT PLEASE YOUR HONORS.

In the Bill for ascertaining Officers' Fees in this Province the collectors and naval Officers Fees are omitted by a mistake in not tacking them to the Bill we have sent them that they may be tack^{d} thereto

Ordered That a messenger be sent with M^{r} Speaker's Warrant for Samuel Johnston Esq^{re} M^{r} Rob^{t} Turner M^{r} Richard Rustall, and M^{r} Robert Forster to act with the Committee of Publick Accounts for the moneys in their hands belonging to the Publick

The House adjourned till to morrow morning 11 o'clock.

Thursday y^{e} 27th February 1738.

The House met according to Adjournment.

The House adjourned till 4 o'clock post merid^{n}

The House met according to Adjournment.

M^{r} Samuel Swann one of the Ex^{rs} of John Baptista Ash deceased, who was Precinct Treasurer for New Hanover Precinct moved that this House would give an order to Eleazer Allen who succeeded the said Ash in the Office of Treasurer for the said Precinct to pay the Ex^{rs} of said Ash the

moneys allowed by Law for emitting the Publick moneys of the said Precinct which the said Ash in his life time emitted.

Ordered That the said Eleazer Allen Esq^{re} pay the said Ex^{rs} the money allowed by Law for emitting the Publick moneys emitted by the said Ash in his life time And he is accordingly directed to pay the same.

M^{r} Castelaw moved the House for leave to bring in a Bill for rating the Commodities of this Province in proportion to Proclamation money.

Ordered that M^{r} Castelaw, M^{r} Lee and M^{r} Starkey do prepare and bring in the same.

Received from the Upper House the Bill for an Act for providing his Majesty a Rent roll &c—with amendments. And a Bill for an Act for the Better supporting of the Clergy of this Province.

Read and sent to the Upper House a Bill for an Act to prevent killing of Deer at unseasonable times—And a Bill for an additional Act to ascertain the Manner of laying a poll tax and the sum necessary for building a Court House prison and Stocks on W^{m} Webster's Plantation in Hyde Precinct.

Received from the Upper House the Bill for an Act for destroying Vermin.

Read and sent to the Upper House the Bill for an Act for appointing Circuit Courts &c.

The House adjourned till to morrow 10 o'clock.

Fryday y^{e} 23rd of Feb^{ry} 1738. [1739] The House met according to Adjournment.

The House adjourned till 4 o'clock Post merid:

The House met according to Adjournment.

Received from the Upper House a Bill for an Act for appointing Sheriffs in the room of Marshalls &c—and

A Bill for an Act declaring what shall be deemed a sufficient cultivation of Lands &c.—and

A Bill for an Act for the better ascertaining the Fees of the several Officers within this Province.

Sent the following Message to the Upper House

MAY IT PLEASE YOUR HONOURS,

This House desires a conference with your House to treat on the following heads contained in the Quit Rent Bill and that your Honours would appoint a time and place for this House to attend your Honours for the same purpose.

1st On the provisional clause to prevent any construction in that Act to revoke the Grand Deed in all its parts.

2dly That the word sterling be struck out in the rating of the Commodities.

3dly That paying the rated Commodities extend generally to all parts of this Province and the manner of packing.

4thly That the Clause be again incerted for allowing 15 ℔ cent for carrying the rated Commodities to the Ware Houses for payment of Quit Rents.

5thly That any payment in Gold or Silver in discharge of Quit Rents shall be taken in Proclamation money.

6thly That a clause be again incerted to limit a time of distress for the arrears of Quit Rents now due.

Received from the Upper House the Bill for an Act to erect a Goal &c. at Edenton—with amendments—and

A Bill for an Act for encouragement and better regulation of the Town of Edenton—with amendments.

Received the following Message from the Upper House.

Mr Speaker & Gentlemen

As we are willing to conclude the debates of the Quit Rent Bill in such a way as becomes the two Houses we readily consent to the conference you have desired on the several heads mentioned in your Message and have accordingly appointed to morrow morning at 10 o'clock at the Council Chamber to be the time and place for it.

Read and sent to the Upper House the Bill for an Act to erect a Goal &c. at Edenton.

A Bill for an Act for encouragement and better regulation of the Town of Edenton.

The House adjourned till to morrow 9 o'clock.

Saturday ye 24th Febry 1738. [1739] The House met according to Adjournment.

The House in a full body waited on the Upper House to confer on the several Articles relating to the Quit Rent Bill.

Reported That the several Articles relating to the said Bill were debated—& mov'd the sd Bill might lye on the Table.

Ordered The said Bill lye on the Table till Monday morning.

Received from the Upper House the Bill for an Act to erect a Goal &c. at Edenton—endorsed, ordered to be engrossed. And A Bill for an Act for the encouragement & better regulation of the Town of Edenton —endorsed, ordered to be engrossed. And A Bill for an Act to prevent killing Deer at unseasonable times.

Read the Petition of the Inhabitants of that part of Craven Precinct lying on the East side of Beards Creek on the North side of Nuse River to the mouth of said River and also the Inhabitants of Bear River.

Praying that part of Craven Precinct and Bear River might be a distinct Precinct.

Ordered the said Petition be rejected.

Received from the Upper House the Bill for an Act for destroying Vermin—with amendments.

The House adjourned till Monday morning 11. o'clock.

Monday y^e^ 26^th^ of Feb^ry^ 1738. [1739] The House met according to Adjournment.

Sent to the Upper House the Bill for an Act for destroying Vermin.

The House adjourned for half an hour

The House met according to Adjournment.

The House adjourned till 3. o'clock post merid:

The House met according to Adjournment.

M^r^ Fred^k^ Jones one of the Committee for setling Publick Accounts moved the House as he underwent a great deal of difficulty, being lame, in attending the said Committee that Col: W^m^ Wilson might be appointed one of the said Committee in his room.

Ordered That the said W^m^ Wilson be appointed pursuant to the said motion.

The House adjourned till to morrow 9. o'clock.

Tuesday y^e^ 27^th^ Feb^ry^ 1738. [1739] The House met according to Adjournment.

Read the Petition of the Comm^rs^ for emitting the Bills of Credit in this Province in the year 1735. (viz^t^)

GENTLEMEN OF THE COMMITTEE,

We are sorry that this Assembly have met at so great a distance from the place appointed to examine the old Bills and Vouchers for our payment of the claims or kept so that we could not bring the old Bills examined nor the Vouchers for the payment of the claims without very great risque for a loss in either would put it out of our power to compleat our Accounts.

Therefore we now only can give you Acc^t^ that we have in old Bills ex^d^ £37879 : 15 : 6. and have £3300. in new Bills left in our hands at least but are not able at present to make a perfect settlement because all the Claims are not paid.

Therefore we request that you would recommend to both Houses that a Committee be appointed to examine the old Bills and see them destroyed and to examine our accounts and report to the next Assembly And that proper orders may be given concerning the Countin [?] parts and how we are to dispose of the money now in our hands which will greatly oblige Gentlemen Your most H^ble^ servants

ELEAZ: ALLEN CULLEN POLLOCK
W^m^ DOWNING JAMES CASTELAW

Sent the following Message to the Upper House

MAY IT PLEASE YOUR HONOURS.

We send you herewith a Petition from the Commissioners for emitting and exchanging the new Bills of Credit of this Province and desire your Concurrence in granting their requests as by the Petition set forth to which we refer you and likewise we desire you'l joyn with this House in requesting his Excellency to order the said Comm^rs^ to pay to this House the money in their hands not exchanged in order to discharge the Publick debts of this Province.

To which the Upper House concurred.

Read and sent the Bill for an Act for providing his Majesty a rent roll &c. to the Upper House—with amendments.

Received from the Upper House the Bill for an Act for destroying Vermin—Ordered to be engrossed.

A Bill for an Act for appointing Circuit Courts &c.—with amendments.

Sir Richard Everard moved this House that two of the Members thereof might be appointed to draw an address to his Excellency that he would be pleased to allow the House to incert a Clause in the Quit Rent Bill that flax may be received in payment of Quit Rents.

Ordered That Sir Richard Everard and M^r^ Swann do prepare and present the said address.

The House adjourned till 3 o'clock post merid:

The House met according to Adjournment.

M^r^ Walter Lane one of the Members of this House moved that M^r^ John Powell is guilty of a breach of priviledge of this House by threatning the said Member to pistol him for proffering a Bill to this House before he consulted him.

Ordered The said Powell be sent for to the barr of this House in custody of the serjeant at arms to answer &c.

M^r^ Maurice Moore one of the Members of this House moved for leave to absent from the service of the House his family being very sick.

Ordered he have leave to absent accordingly.

Read and sent to the Upper House the Bill for an Act to prevent the concealment of tythables in the several Counties within this Province for declaring what persons shall be deemed tithables and laying a poll tax for defraying the standing and contingent charges of Government & appointing publick Treasurers for this Province.

This House being informed that Mr John Powell waited at the door of this House in custody of the serjeant at arms

Ordered he be brought to the barr of the House.

The breach of priviledge for which the said Powell was ordered to the barr of this House being proved to the satisfaction of the House.

Ordered he ask pardon at the barr of this House on his knees and pay to the Clerk of this House three pounds and to the serjeant at arms two pounds for their Fees and that he remain in custody till he complys with the above Order and pay five pounds ℔ day for every day he shall so remain in custody for the sd contempt.

Read and sent to the Upper House the Bill for an Act declaring what shall be deemed a sufficient cultivation of Lands &c.

And a Bill for an Act to prevent killing horses &c.

Received the following Message from the Upper House (viz:)

Mr Speaker & Gentlemen,

On reading the Quit Rent Bill the third time we find it will be necessary to make some amendments on the following heads on which we desire a conference to morrow morning 1st in the rating of hemp in one part of the Bill it is put 3½d proclamation & in the other 3d proclamation, we propose to strike out the halfpenny in the first to make it uniform and to incert flax in both places at 3d ℔ pound.

2d We think the word money in the Clause for paying the Quit rents in gold and silver is superfluous and that it ought to be struck out.

3d That the Quit rents for Hyde Precinct be paid at Bath Town as usual and not in Hyde Precinct.

4th That the Quit rents for Carteret Precinct be paid at New Bern and not at Beaufort Town.

5thly That the Quit rents for Onslow, Bladen & New Hanover Precincts be paid at Newton & not at any other place.

Sent the following message to the Upper House

May it please your Honours,

In complyance to your Message this House will wait on your Honours to morrow morning in order to confer on the proposed heads in the Quit Rent Bill.

The House adjourned till to morrow morning 9 o'clock.

Wednesday y^e^ 28^th^ of Feb^ry^ 1738. [1739] The House met according to Adjournment.

The House in a full body went to the Upper House to argue the Articles proposed on the quit rent Bill and M^r^ Hodgson and Sir Richard Everard Bart. were appointed in behalf of this House to debate the same.

The several articles in conference were debated & M^r^ Speaker with the Members returned to the House

Read and sent to the Upper House the Bill for an Act for appointing Circuit Courts &c.

Sir Richard Everard moved this House would make an Order that no person might be admitted in this House whilst anything was debating except a Member thereof.

Resolved that no person be admitted in this House when the House is in any debate without leave first had of M^r^ Speaker.

The House adjourned till 3 o'clock post merid:

The House met according to Adjournment.

Read and sent to the Upper House the Bill for an Act for making, cleaning and repairing the roads, for making bridges and settling ferrys for the more convenient traveling, passing of ferrys and carrying by land all goods & merchandizes or other things within this Province.

And a Bill for an Act to prevent killing Deer at unseasonable times.

Received from the Upper House the Bill for an Act for providing his Majesty a rent roll &c. Endorsed, read the third time and passed with amendments.

Received a message from the Upper House with the above Bill.

M^r^ SPEAKER & GENTLEMEN,

We herewith send you the quit rent Bill read a third time in our House and passed with amendments—

1^st^ That the price of Hemp is rated 3^d^ proclamation.

2^d^ Flax added to the Commodities at 3^d^ ℔ lb. proclamation.

3^dly^ The landings are altered for Bath County and the Quit rents made payable at Bath Town, New Bern & Newton

4^thly^ A non obstante clause added to the clause for the payment of old rents for Albemarle County.

To which we desire your concurrence.

Sent the following message to the Upper House

MAY IT PLEASE YOUR HONOURS.

In answer to your Message with the Quit rent Bill we have concurred with your amendments and have ordered the said Bill to be engrossed.

Received from the Upper House a Bill for an Act to appoint circuit courts &c.

Endorsed Ordered to be engrossed

The House adjourned till to morrow 8. o'clock.

Thursday March 1st 1738. [1739] The House met according to Adjournment.

Received from the Upper House the Bill for an Act declaring what shall be deemed a sufficient cultivation &c.

Endorsed, ordered to be engrossed.

And a Bill for an Act to prevent the concealment of Tithables &c.

And a Bill for an Act to ascertain the manner of laying a poll tax and the sum necessary &c.

Reported by Sir Richard Everard Bart. from the Committee for settling the publick accounts that Mr Winright the receiver of the powder money of Port Beaufort appeared before the Committee and told them as he was coming to the said Committee his Excellency the Governor called to him and asked him if he had paid the powder money and seemed to intimate that he expected he would not pay any powder money to the said Committee without his warrant.

The House adjourned till 3 o'clock post merid:

The House met according to Adjournment.

Sir Richard Everard reported to this House that he had waited on his Excellency the Governor according to the commands of this House and conferred with his Excellency touching the Powder receivers of this Province who answered that he thought the money raised by the Laws of this Province as powder money ought to be applyed to the advantage of navigation for which it was raised that this House formerly made use of one thousand five hundred pounds being powder money which they engaged themselves to repay but as he was sensible there would be now a considerable sum wanting to defray the publick debts he consented that the powder money should be now made use of for that purpose and that he would trust to the honour and justice of this House for the repayment of such powder moneys as should be so used and that his Excellcy desired the House would nominate and recommend such persons to receive the publick moneys as they could confide in which would be greatly to his satisfaction That he hoped as the powder money was to be applyed to the use of the navigation of this Province this House would provide a bank for the support of the contingent charges of this Government.

The House adjourned till to morrow 9 o'clock.

Fryday y^e^ 2^d^ of March 1738. [1739] The House met according to Adjournment.

Read and sent to the Upper House the Bill for an Act for the better ascertaining the Fees of the several Officers within this Province with Amendments.

Edward Moseley Esq^re^ appeared before this House and desired to resign his Office of Precinct Treasurer of Chowan whose resignation was accordingly accepted.

Resolved That M^r^ Hodgson, M^r^ Luten, and M^r^ Blount be recommended to his Excellency the Governor for his approbation of one of them to execute the said Office.

The Office of Precinct Treasurer for Pequimons being vacant by the death of M^r^ Denman late Treasurer thereof.

Resolved by this House that M^r^ Sutton, M^r^ Scarbrough and M^r^ Long be recommended to his Excellency the Gover^r^ for his approbation as before.

Read and sent to the Upper House the Bill for an Act to prevent the concealment of tithables &c with amendm^ts^

Read a Bill for an Act to ascertain the manner of laying a poll tax and the sum necessary &c. Which was rejected

Sent the following Message to the Upper House

MAY IT PLEASE YOUR HONOURS.

We have nominated the following persons to be powder receivers for the several ports & places within this Province (viz.) for Port Roanoak M^r^ John Blount, for Port Bath M^r^ Benj. Peyton, for old Topsail Inlet M^r^ Tho. Lovick, for Nuse River M^r^ W^m^ Wilson For Port Currituck M^r^ Stephen Williams, for Port Brunswick M^r^ Tho. Clifford and for Bear Inlet M^r^ Abraham Mitchell. To which desire your Honours concurrence.

The House adjourned till 3 o'clock post merid:

Read the Petition of Richard Rustel Treasurer of Carteret Precinct. Praying he may resign his said Office and that another person be appointed in his stead.

Read and sent to the Upper House a Bill for an Act to erect a Court House and Goal in New Bern.

Sent the following Message to his Excellency the Gov^r^

MAY IT PLEASE YOUR EXCELLENCY,

Edward Moseley Esq^re^ having before this House resigned his Office of Treasurer for Chowan Precint we therefore recommend to your Excel-

lency Mr John Hodgson, Mr Tho. Luten and Mr Jno Blount for your approbation of one of them to execute the said Office upon which his Excellency was pleased to approve of Mr Hodgson who was accordingly appointed to execute the sd office

Sent the following message to his Excellency the Govr

MAY IT PLEASE YOUR EXCELLENCY,

Mr Richard Rustul having resigned his Office of Treasurer for Carteret Precinct, we therefore recommend to your Excellency Mr Jas Winright for your Excellency's approbation to execute the said office whereupon his Excellency was pleased to approve of Mr James Winright who was accordingly appointed to execute the said Office.

Sent the following Message to the Upper House viz:

MAY IT PLEASE YOUR HONOURS,

This House having resolved that fifty pounds be given to the Revd Mr John Lappiere desire your Honours concurrence.

Received from the Upper House the Bill for an Act to prevent killing Deer at unseasonable times. Endorsed, Read the third time and passed Ordered to be engrossed.

Sent the following message to his Excellcy the Govr (vizt)

MAY IT PLEASE YOUR EXCELLY

It being certified to this House that Mr Charles Denman Treasurer of Pequimons Precinct is dead whereby the Office of Treasurer for the sd Precinct is vacant.

We therefore recommend to your Excellency Mr Joseph Sutton, Mr McRora Scarbrough and Mr Joshua Long for your Excellys approbation of one of them to execute the said Office, upon which his Excellency was pleased to approve of Mr Scarbrough who was accordingly appointed to execute the said Office.

The House adjourned till to morrow 9 o'clock.

Saturday ye 3rd of March 1738. [1739] The House met according to Adjournment.

Received from the Upper House the Bill for an Act for facilitating the navigation &c—with amendments.

And a Bill for an Act to prevent the concealment of Tithables &c.

Read and sent to the Upper House the above two Bills.

And a Bill for an Act appointing a Town on the Plantation where Wm Webster now dwelleth &c.

The House adjourned till 3 o'clock post merid:

The House met according to Adjournment.

The House adjourned till Monday 9 o'clock.

Monday y^e^ 5^th^ of March 1738. [1739] The House met according to Adjournment.

Received the following message from the Upper House

M^r^ SPEAKER & GENTLEMEN,

On reading the navigation Bill the third time we have made one amendment (viz^t^) We think five Comm^rs^ for Brunswick sufficient and therefore have struck out Mr Clifford & Mr Murray To which desire your concurrance.

Received the above Message with this endorsement.

This House concurs with the above message.

Sent the following Message to the Upper House

MAY IT PLEASE YOUR HONOURS

We desire the temporary clause herewith sent may be added to the Act for facilitating Navigation &c. it being forgot by this House before we sent the Bill up (viz^t^) And be it enacted by &c. That this Act shall continue in force for six years after the ratification hereof and no longer To which this House agreed.

Sent the following message to the Upper House

MAY IT PLEASE YOUR HONOURS,

This House taking into consideration the illconveniences this Province in general lyes under for the want of a copy of the several laws now in force since the year 1733 being delivered to the several County Courts of this Province whereupon this House

Resolved That William Herritage Clerk of this House have and receive fifteen pounds out of the Publick moneys to obtain a Copy of the said Laws from the Secretary's Office and if any surplus shall remain out of the said fifteen pounds that the said Clerk account for the same to this House and if the said sum shall not be sufficient for the use aforesaid, that then the Clerk shall be allowed a claim for so much he shall advance for the said use and that the said Clerk do from the Copy to be obtained as aforesaid transcribe and transmit a Copy of the said several Laws to each and every County in this Province, and that he be allowed and paid four pence ℔ Copy sheet each sheet containing ninety words and that when the said service shall be performed the Clerk of each County Court is hereby directed to give a certificate of the rec^t^ of the said Acts and of the number of sheets and upon shewing such Cer-

tificate the Governor or Commander in Chief for the time being shall issue his warrant for payment thereof to the s^{d} Clerk.

Desire your Honours Concurrance.

Sent the following Message to the Upper House

MAY IT PLEASE YOUR HONOURS.

We have appointed John Montgomery Esq^{re}, M^{r} Hodgson, M^{r} Stevens Lee, M^{r} Spruill, M^{r} Smithwick and M^{r} Anderson or the Majority of them to joyn such Members of your House as shall be appointed to examine and burn the old Bills which have been exchanged for those of the new emission and to report the same to the next Assembly, and also to order the disposal of the counterparts of the said Bills and to settle the accounts with the Comm^{rs} appointed for the emitting the New Bills and to report the same as aforesaid

MAY IT PLEASE YOUR HONOURS,

The Law for payment of the Members of Assembly of this Province being expired since the last session we therefore desire your Honours will agree with us in passing an Ordinance for the payment of the Members of this present session of Assembly.

That the Speaker of this House be paid the same Wages for his service in Assembly as the President of yours. That all the Members of this present Assembly be paid in the same manner as by the Law for the payment of Assemblys now expired is directed.

Received from the Upper House the Bill for an Act to prevent the concealment of Tithables &c.

Endorsed. ordered to be engrossed.

And a Bill for an Act for facilitating Navigation &c.

Endorsed, ordered to be engrossed.

And a Bill for an Act for appointing a Town on the Plantation whereon W^{m} Webster now dwelleth &c.

Endorsed Ordered to be engrossed.

Received a message from his Excell^{y} the Gov^{r} in these words

M^{r} SPEAKER & GENTLEMEN

I command the attendance of your House in the Council Chamber with what Bills are engrossed—Immediately

GAB: JOHNSTON.

The House adjourned till 4 o'clock post merid:

The House met according to adjournment.

The House in a full body waited on his Excell^{y} the Gov^{r} in the Council Chamber and M^{r} Speaker presented to him the Act for providing his Majesty a Rent Roll &c. And the Bill for an Act declaring what shall be deemed a sufficient cultivation of Lands &c.

To which his Excellency assented. And Ordered the Great Seal of the Province to be affixed thereto.

The House adjourned till to morrow 8. o'clock.

Tuesday y^{e} 6th of March 1738. [1739] The House met according to Adjournment.

M^{r} Hodgson moved this House that an Address be presented to his Excellency the Governor that he would be pleased to prorogue this Assembly to Edenton.

Which was put to the vote and carried in the affirmative.

Ordered that M^{r} Hodgson and M^{r} Anderson do prepare and bring in the same.

Which they did & presented the same to the House.

Resolved nem: con: that the same be presented to his Excellency the Governor.

Sir Richard Everard Bart moved the House that the following Persons might be appointed to revise the Laws of this Province now in force in conjunction with such of the Members of the Upper House as they shall appoint and report what Laws will be necessary to make for the publick weal of this Province to the next Assembly viz^{t}. M^{r} Hodgson, John Montgomery Esq^{re} and M^{r} Anderson for the northern parts of this Province, and Sir Rich^{d} Everard, M^{r} Sam. Swann and M^{r} John Swann for the southward part of this Province, and they were accordingly appointed.

Sent the following Message to the Upper House

May it Please your Honours,

This House having appointed the following persons to be Comm^{rs} for revising the Laws now in force in this Province in conjunction with such Members of your House as your Honours shall be pleased to appoint viz: John Montgomery Esq^{re}, M^{r} Hodgson and M^{r} Anderson to joyn some of your House at Edenton and Sir Richard Everard, M^{r} Sam: Swann and M^{r} John Swann to joyn some of your Members at Cape Fear.

Desire your Honours Concurrence.

Sent the following Message to the Upper House

MAY IT PLEASE YOUR HONOURS,

We are preparing an estimate of the wages due to the Members of this House this Session and also of former Assemblys and desire an estimate of those of your House to make the same compleat.

Received the following Message from the Upper House

Mr Speaker you togeather with the other Gentlemen appointed by your House for rating the Currency of this Province are commanded to give your attendance at the Council Chamber imediately

Signed GAB: JOHNSTON.

The House adjourned for one hour.

The House met according to Adjournment.

The House adjourned till 3 o'clock post merid:

The House met according to Adjournment.

The House in a full body waited on his Excellency the Gov: in the Council Chamber and Mr Speaker presented to him the following Bills viz:

The Bill for appointing Sheriffs in the room of Marshals.

The Bill for appointing Circuit Courts &c.

The Bill for facilitating Navigation &c.

The Bill for erecting a Goal at Edenton &c.

The Bill for regulating the Town of Edenton &c.

The Bill to prevent the concealment of Tithables &c.

The Bill for destroying Vermin &c.

The Bill for a Town in Hyde County &c.

The Bill to prevent killing Deer &c.

To which his Excellency assented and ordered the Great Seal of the Province to be affixed thereto.

Then His Excellency was pleased to prorogue this Assembly till to morrow at New Bern.

Mr Speaker and the rest of the Members returned to the House and pronounced the Prorogation accordingly.

NORTH CAROLINA—ss.

At an Assembly begun and held at New Bern, the sixth day of February one thousand seven hundred and thirty eight in the twelfth year of the reign of our Sovereign Lord George the second by the Grace of God of Great Britain, France and Ireland King &c—and continued by prorogation to the seventh day of March following being the second Session of this present Assembly.

Received a Message from his Excellency the Governor commanding the immediate attendance of this House at the Council Chamber.

The House in a full body waited on his Excellency the Governor at the Council Chamber, when his Excellency was pleased to make the following Speech viz:

Mr Speaker & Gentlemen,

I command you to return to your House and expedite the Business of the day.

Sent the following Message to the Upper House (viz:)

May it please your Honours,

We are preparing an estimate of the wages due to the Members of this House this Session & also of former Assemblys and desire an estimate of those of your House to make the same compleat.

Sent the following Message to the Upper House viz:

May it please your Honours,

We have made an estimate of the money due to the Members of our House for wages due in this and the three preceeding Assemblys, we are very sensible that the Members of this Assembly cannot be paid their wages and the claims allowed by this Assembly otherwise than out of funds which ought to be applyed (by Acts of Assembly) to other purposes yet tho' we are sensible it may be deemed a violation of the Publick faith we hope your Honours will concur with us in allowing such money as now is in the Publick Treasury tho' arising from funds which should be appropriated to other purposes may be allowed to be paid to the Members for their wages, and claims allowed by this Assembly for this time only and we assure you that we are ready to concur with you in any resolution that for the future no money to be appropriated by any Act shall be applyed otherwise than as such Act directs.

We likewise desire that your Honours do joyn with us in an address to his Excellency to issue his warrant for the payment of the same.

By order of the House DOWNING, Speaker.

Received the above message from the Upper House
Endorsed. Concurr'd with
W. SMITH.

Sent the following message to the Upper House

May it please your Honours,

This House having appointed Sir Richard Everard Bart: Col: Benj: Hill, Col: Wm Wilson, Col. Forbes and Col: McRora Scarbrough to be

a Committee to joyn such Members of your House as your Honours shall think fitt to appoint to finish the settlement of the Publick accounts.

Desire your Honours concurrence

Received the following Message from the Upper House (viz^{t})

Mr Speaker & Gentlemen,

In answer to your Message relating to the Copys of the Laws we joyn with you in opinion that it is absolutely necessary they be delivered to the General Court and the several County Courts of this Province both as to what have past since the year 1733. as well as what shall be past for the future but we cannot so readily agree to your resolution that the Clerk of your House shall obtain a copy of the Laws from the Secretary's Office at the price of fifteen pounds only and that he to transmitt from that Copy one to every County in this Province because we take it to belong to the Secretary only so to do and we hope upon further consideration you will joyn with us in thinking that to divest one office of its known right to give to another without just cause is inconsistent with the justice of either House we therefore propose that the Secretary be ordered to transmitt all Copys of Laws to the General and several County Courts and that he be allowed seven pence half penny proclamation money ℔ copy sheet to be paid him on such certificate as you mentioned.

Sent the following Message to the Upper House. (viz.)

May it please your Honours,

We are sorry that in your answer you seem to disagree with our resolution for our clerk to get a Copy of the Laws passed since the year 1733 from the Secretary's office from which he should be obliged to make out copys for the several County Courts in this Province whereby the Magistrates might be the better informed of their duty, because you say it ought to be done by the Secretary and that it is a right of the secretary so to do but as your Hon^{rs} have not shewn us any instance of the Secretary ever having heretofore made out such copys neither do we find that he hath ever done it, therefore we have reason to believe that it hath been the practice heretofore in this Province for the Clerk of this House to make out the said Copys for the several Precincts or Countys and we are of opinion that in our resolve we have not divested one Office of any right heretofore belonging to such office to give such right to any other and we are further of opinion that one copy of the Laws passed every Session ought to be made out every Session for the use of this House and no more for which we think in a resolve we have made a sufficient allowance

but if your Honours are of a contrary opinion we are ready to make such further allowance as shall be thought reasonable.

Received the following Message from the Upper House

Mr Speaker & Gentlemen,

In answer to your message relating to the payment of the wages of the Members of Assembly we cannot agree that the Speaker of your House be paid the same with the President of ours and as to your second resolve if you intend by it that the Members of this House as well as those of yours be paid in the same manner as by the Law now expired we readily consent to it.

Read and sent to the Upper House the Bill for an Act to supply the defects of an Act passed last Session of Assembly intituled an Act for appointing Sherifs &c.

Received the above Bill from the Upper House.

Read and sent the above Bill to the Upper House.

Received the above Bill from the Upper House

Read and sent the above Bill to the Upper House

Received the above Bill from the Upper House

Endorsed. Read the third time Ordered to be engrossed.

Received the following message from the Upper House.

Mr Speaker & Gentlemen,

In answer to your message relateing to the burning of the old Bills of Credit &c. we have appointed the chief Justice on the part of our House to examine and see them burnt and to order the disposal of the Counter parts of the new Emission and Mathew Rowan and Edwd Moseley Esqres to settle the accounts with the Commissioners.

Received the following Message from the Upper House

Mr Speaker & Gentlemen,

In answer to your message concerning the revisal of the Laws we have on the part of this House appointed the Chief Justice to joyn your Commissioners to the northward and Edwd Moseley Esqre to joyn the Commrs for the southward.

Received the following message from the Upper House.

Mr Speaker and Gentlemen

Eleazer Allen and Edwd Moseley Esqres are appointed a Committee of our House to joyn yours to finish the settlement of the Publick accounts.

Sent the following message to the Upper House

MAY IT PLEASE YOUR HONOURS

This House having resolved that all persons who are in arrear to the Publick for any moneys by them received, except the loan money and the poll tax, heretofore laid and collected by the Precinct Treasurers do pay the same to the General Treasurers in their respective districts on or before the first day of August next in order to pay the publick claims and that his Excellency be addressed to issue his warrant to the said Treasurers for payment of the same. To which we desire your Concurrence

And it is also resolved that all persons who are in arrear to the Publick shall discount so much of their wages as shall be due to them towards discharging the same. To which we also desire your Concurrence.

The House adjourned till 4 o'clock post meridⁿ

The House met according to Adjournment.

Received the following message from the Upper House

Mʳ SPEAKER AND GENTLEMEN,

In answer to your message relating to the money in the hands of such Persons as are in arrear to the Publick.

This House is of opinion that the speediest way for those persons to be paid who have publick claims will be for those persons who have the publick moneys in their Hands to pay the claims allowed by this Assembly to the claimants—And that his Excellᵉʸ the Governor be desired to issue his warrant accordingly. As to the latter part of your Message the methods you propose have been observed in paying the claimants by discounting the wages and claims allowᵈ

The above concurred with in the Lower House.

Resolved That William Herritage Clerk of this House be allowed a claim on the Publick and paid the next Assembly the sum of forty pounds, for extraordinary services this Assembly and that he have for the future the same wages the Clerk of the Upper House is allowed.

Resolved that the Clerk of this House procure & pay for three bound books, one for the Journals of the House, one for the reports of the Committee of Publick accounts and the other for the reports of the Committee of claims and that he be allowed and paid twenty five ℔ cent on the prime cost for the same.

The House adjourned till to morrow 8 o'clock.

Thursday yᵉ 8ᵗʰ of March 1738.

The House met according to Adjournment.

Sent the following Message to the Upper House.

MAY IT PLEASE YOUR HONRS

Mr Samuel Swann one of the Executors of John Baptista Ash deceased who was Precinct Treasurer for New Hanover Precinct, moved this House that they would give an order to Eleazer Allen Esqre who succeeded the said Ash in the Office of Treasurer for said Precinct to pay the Executors of the said Ash the moneys allowed by Law for emitting the publick moneys of the said Precinct which the said Ash in his life time emitted.

Whereupon it was resolved that Eleaz Allen Esqre pay the said executors the money allowed by law for emitting the publick moneys aforesaid emitted by the said Ash deceased, and he is hereby accordingly directed to pay the same. To which we desire your Honours Concurrence.

Received the above Message from the Upper House.

Endorsed. Concurred with W. SMITH.

Received from the Upper House the message sent from this House in relation to the payment of the wages of the Members of Assembly out of other funds than are or ought to be appropriated for said use. Endorsed. Concurred with W. SMITH.

Received from the Upper House the Message in relation to the money to be paid to Mr Ash's executors by Mr Allen. Endorsed. Concurred with. W. SMITH.

Sir Richard Everard moved this House that all persons in arrear to the publick who have not appeared before this Assembly to settle their accounts and pay their bale: might be prosecuted and that Mr Attorney have directions to prosecute them accordingly.

Sent the following Message to the Upper House

MAY IT PLEASE YOUR HONOURS,

We have agreed the messenger who went for Mr Forster & Mr Turner be allowed forty pounds for his trouble and loss of his Horse on the said Message and desire your Honours to joyn with us in address to his Excellency for his warrant for the payment thereof in Mr Turner's hands and that Mr Forster & Mr Turner be made chargeable therewith

The House adjourned till 3 o'clock post merid:

The House met according to Adjournment.

Received from the Upper House the message sent them in relation to the moneys in such persons hands as are in arrear to the Publick Endorsed. Concurred with. W. SMITH.

Received from the Upper House the message sent them in relation to Mr Turner & Mr Forster. Endorsed. The House concurred with the message and orders that Mr Forster pay thirty pounds & Major Turner Ten pounds.

His Excellency the Governor commanded the attendance of the House in the Council Chamber with what Bills were engrossed.

Mr Speaker with the House waited on his Excellency the Governor in the Council Chamber and presented the Bill to supply the defects of an Act passed last Session of Assembly intituled an Act for appointing Sheriffs in the room of Marshalls &c. To which His Excellcy assented. And ordered the Great Seal of the Province to be affixed thereto.

Then His Excellency was pleased to prorogue this Assembly to the second Tuesday in November next at New Bern.

Mr Speaker with the House returned & pronounced the prorogation accordingly.

North Carolina—ss.

At an Assembly begun & held at Newbern, the Sixth day of Febry one thousand seven hundred & thirty eight & in the Twelfth year of the reign of our Sovereign Lord George the Second of great Britain, France & Ireland King &c; and from thence continued by several prorogations to the fifteenth day of November one thousand seven hundred and thirty nine, being the third Session of this present Assembly.

MEMBERS PRESENT.

Mr Joshua Long	Mr John Hodgson
Mr Joseph Anderson	Mr John Blount
John Montgomery Esqr	Mr Benja Hill
Mr Thomas Bryant	Mr James Castellaw
Mr John Dawson	Mr Arthur Williams
Mr Samuel Spruil	Mr Edmond Smithwick
Sr Richd Everard Bart	Mr Benja Peyton
Mr Richd Rigby	Mr Thomas Smith
Mr Samll Sinclare	Mr Fredk Jones
Mr Walter Lane	Mr Thomas Lovick
Mr Arthur Mabson	Mr Samuel Swann
Mr John Swann	Colle Maurice Moor

Colle Willm Forbes.

His Excellency by Proclamation was pleased to desolve the said Assembly.

1740.

[B. P. R. O. North Carolina. B. T. Vol. 10. B. 44.]

My Lords [of the Board of Trade]

If I had not been prevented by a tedious Indisposition this Letter should have gone along with the Copy of the Acts passed last Assembly, which was some months since sent home by the Secretary.

I need not detain your Lordships with any remarks upon the Law for Establishing Sheriffs and that for appropriating Circuit Courts. The necessity of these Acts is very apparent, and as there is nothing in them which encroaches upon His Ma^tys^ Authority, and as the good Effects of them have been already very sensibly felt in this Colony by the speedy execution of Justice beyond what was ever known here before, I don't at all doubt but your Lordships will think it proper to recommend them to His Majesty for his Royall sanction.

The other Acts are only Regulations of some Matters of very small consequence within the Colony, except the Quit rent Law, about which I am to offer your Lordships the following Observations.

After the Preamble the Act begins with the strongest and most ample Clause for procuring to His Majesty a full and complete Rent Roll which is a point which could never be carried before either under the late LL^s^ P. P^s^ nor since the purchase of the Crown. I must take the liberty to remind your Lordships of what I have often represented on former Occasions. Viz^t^ That one great Obstacle which prevented the passing of a proper Quit rent Law was the obstinacy of the People in the Northern parts of the Province, especially in insisting on paying their Rents in the worst and most bulky kind of their Produce, such as, Butter, Cheese, Feathers, Tallow, Tarr, Pitch, Indian Corn etc and these hopefull Commodities they likewise insisted on paying either at their own Houses, or at least at forty two different places or Landings and to be taken away from thence at the King's Charge, which considering the Qualitys of the Commodities they would probably have paid in would have made the Expence of the collection amount to more than the value of what was to be received.

It was impossible My Lords to prevail on the People to drop entirely their Pretentions to pay their rents in some Comodity or other, and I am indeed afraid at present it is impracticable for them to raise as much Gold and Silver or even Bills Currency as to pay all that is due. It was therefore thought expedient to indulge in paying their rents in such

Comodities as would bear a Price if sent to England and at the same time encourage them to raise a Produce which would promote aditional Trade to Great Britain, provided that their Comodities were valued at an under value so that they might bear the Charges of Warehouse Room Shipping etc.

Accordingly Tobacco inspected, Hemp, Flax, Deer skins and Bees Wax of the best sorts were pitched upon, as there is a constant Demand for these Commodities so they are by this Act rated so much under their real value, that I am satisfied no person will offer any of them in payment who can by any means make a shift to raise as much Gold and silver as will be sufficient for that Purpose.

I could have wished that the Places of payment in that part of the Country formerly called Albemarle had been fewer in number, but there was no possibility of avoiding it. But effectual Provision is made, that the Countys were these Places lye shall defray all the Charges of this collection, and that His Ma^{tys} Revenue shall be paid in Nett unto his Receiver's hands, either in Inspectors Notes or Cash, which in my Opinion removes all Objections. The Proportion betwixt Bills of Currency of this Province & Sterling & Proclamation money is by this Act to be settled by the principal Persons of the Government every year, who are to deliver their Opinion upon Oath. This is more than is done in any other Colony.

When the Quit rent Law for South Carolina pass'd the Bills of Currency there with respect to sterling money were as seven to one, & in that Proportion they are still paid for Quit rents, tho' in matters of commerce & all private dealing they are not of the value of Eight for one. But by this Act it is impossible that His Ma^{ty} can ever be a loser by taking Currency let it fluctuate never so much. In former collections our Bills were taken at seven for one, but by the method laid down in this Law the King now receives ten for one, which is almost 30 ℔ c^{t} gained to the Revenue. The whole amount of our Bills does not exceed £5000 sterling & they expire in 1745, & I hope after that we shall never more be plagued with any Paper money.

The other great obstruction to the passing of a Quit rent Law was the affair of the Blank Patents, all which the Persons concerned insisted on having confirm'd by that law. This was reckoned a most Exorbitant Demand by everybody who had His Ma^{tys} Interest at heart, for it was computed that no less than 400,000 acres of land were held by these Patents, besides the greatest part of them were never registered nor so much as ascertained, so that they had it in their power to claim any man's land by Virtue of these as Prior Titles to any granted by His Majesty.

After a tedious struggle for four years the possessors of these Patents were prevailed upon to rest satisfied with having such of them confirmed as were registered in due time & ascertained. Provided always that the whole amount of the lands claim'd even by these, should not exceed 150,000 acres, & that such of them as bore date after the purchase of the Crown, should be left entirely to His Ma^{tys} pleasure, either to allow them or declare them null & void as it should be thought proper.

When matters were brought to so narrow a point, I thought it would be highly unreasonable to keep the whole Province in confusion any longer for the sake of so small a matter as the Difference betwixt the Quit rents paid under the L. L^{s} P. P^{s} & the rents reserved under the Crown for 150,000 acres of land, & therefore consented to their proposal after they had promised all the Assistance in their power to get justice done to His Majesty in the other parts of the Bill.

The most exceptionable Clause of this Law is where Allowance is made to such as bring their Tobacco to the Landings of $12\frac{1}{2}^{lb}$ ℔ hundred weight. No Endeavours were wanting to bring the People of from insisting on this Clause, but as they are in the neighborhood of Virginia & most of them come from thence And this allowance & even greater is made in that Colony by the Crown it was impossible to prevail. But this will by no means be so prejudicial to the Revenue as at first sight may appear, for it extends only to that small part of the Country which lyes contiguous to Virginia, and then Tobacco is so underrated that I really believe even this will be no Temptation to them to bring that Comodity any great length to pay their Rents. In short my Lords it is the best Law could possibly be procured, better in many respects than any I expected to see, & will from nothing at all as near as I can compute bring a Revenue to the Crown of £1800, per annum, which will be daily increasing one good effect it has already had, it has restored Peace and Tranquility to a Colony which has from its first settlement been quarrelling about these Points now so happily adjusted

I am your Lordships most, &c.,

GAB: JOHNSTON.

Cape Fear, North Carolina, 28th January $173\frac{9}{40}$.

[B. P. R. O. North Carolina B. T. Vol. 10. B. 47.]

My Lords [of the Board of Trade]

I had the misfortune not to receive your Lordships Commands of the 12th of Sept^{r} last untill the beginning of Feb^{ry}. I immediately appointed

three gentlemen whom I judged the best qualified for such an undertaking to draw up a state of the small currency we have and of the value of gold during the times mentioned in the addresses of Both Houses and hope in a few days to transmit the same to your Lordships.

Our Assembly which met here on the fifth of Febʳʸ is just now prorogued. They behaved with decency and parted in very good humour (a thing not very common here) after passing some Laws. At present I shall only take notice of one which is an Act to erect a Village called Newtown on Cape Fear River into a township by the name of Wilmington The situation of this town is mighty convenient being at the meeting of the two great Branches of Cape Fear River, its Road capable of receiving Vessels of great burthen and extremely safe in the most violent storms and there is a most easy access to it from the remotest heads of the River by the smallest Vessels. I always looked upon the want of a Town with a Convenient Port as one of the greatest Obstacles to the Improvement of the Trade of this Country and the polishing its Inhabitants. I hope this impediment is now removed, and don't despair in a few years to prevail on the Assembly to build offices and other places fitt for the dispatch of Publick business, the want of which has been a great clog to all affairs ever since I came here.

I return your Lordships thanks for recommending Mʳ Murray there remains two in this Province still who were some years ago recommended by your Lordships. James Innes & Samuel Woodward. If they with Robert Walker (whom I now mention as a proper person) were included in one Mandamus, it would complete the number of His Majesties Council and be a great ease to the Administration.

I am, Your Lordships, &c., GAB: JOHNSTON.

Newbern the 3ʳᵈ March $173\frac{9}{40}$.

[B. P. R. O. North Carolina. B. T. Vol. 10. B. 43.]

A State of the Paper Currency in North Carolina from 1715 to 1739.

It does not appear that the Assembly of that Province emitted any Paper Bills of Credit till the year 1715. At which time they issued Bills of Currancy, to the amount of £24,000 which were to be deemed a proper Tender in law, for all their Comoditys, as rated by Act of Assembly the preceding year. But it is provided by the Act, that if any Demands are made for sterling Debts, the Bills of Credit in such Case shall pass, and be a legal Tender at 50 ℔ cᵗ Exchange.

From the year 1715 till the year 1722, there were no other Bills issued or Currant amongst them, But at this time the Assembly of that Province passed a law for the emitting £12,000 bills of Credit, upon the same foot as the former, to be Exchanged for such other bills of Credit, as were then Currant amongst them. Thō the sum issued was not above half what had been formerly issued Yet there were so many of the former Bills defaced and lost that £12,000 was deemed equal to the Bills of Currency then Extant.

When the two laws above mentioned were passed There was no fund appropriated for the Discharge of the Bills, nor had they at that time any settled Exchange.

In the year 1729, the Assembly passed an Act for Emitting of £40,000 bills of Currency rated at 500 ℔ c^{t} Exch^{a} £10,000 Currency in said bills to be applyed to the discharge of their former bills of Creditt, and the remaining £30,000, to be lent out at 6 ℔ c^{t} Interest on Land security The same to be paid in in 15 Years in Equal Proportions. And in regard to the uncertain value of the Bills the Assembly by the same Act, reserved a power to themselves, to declare at their first meeting annually, at what Exch^{a} the said Bills should pass.

In the year 1735, An Act of Assembly was passed, for the emitting the sum of £40,000 to be Exchanged for the former Bills of Currency issued in 1729. by this Act the Bills were not made a legal Tender, at any rated Exchange.

In the said year 1735 An Act was passed for the granting to his Majesty the sum of £4,150 : 3 : 2 for the service of the Publick .... And for the laying a poll tax on the Inhabitants for the payment of the same and for the stamping and Emitting the sum of £10,000 bills of Credit for the more immediate discharge of the Public debts. Which bills were not issued at any rated Exchange. In the latter end of February or beginning of March 1738–9 by an Act passed, for the Confirmation of Proprietory Grants (Intituled the Quit rent Law) the Governor Council Attorney General and Receiver General for the time being and the Speaker and as many of the Members of the House of Burgesses, as are Equal in number—Are by the said Act impowered on or before the sixth day of March annually, to regulate the value of their Bills in such manner & in such proportion as appears to themselves Equitable.

The Exchange as regulated last March is at a 1000 per c^{t}. There remains now outstanding about 50,000£.

(Endorsed) Received from M^{r} McCulloh Jan^{ry} 23 $173\frac{9}{40}$

[B. P. R. O. North Carolina. B. T. Vol. 21. p. 276.]

Sir, [Gov. Gabriel Johnston]

Since our letter to you dated the 17th January $173\frac{9}{40}$ a duplicate whereof has been likewise sent, We have received two from you one dated at Cape Fear the 28th of that month and the other at Newbern the 3rd of March last, the first of these brought us your observations on the Acts lately passed in that Province in particular upon the Quit rent law.

We did not receive the eleven Acts passed at North Carolina in 1738 till the 11th of April last and were not a little surprised to find they were transmitted without any letter or the Great Seal of the Province annexed to them which last omission being a breach of your 25th Article of Instructions We think ourselves obliged to take notice of it and to desire you will be more observant in that respect in the future We have those Acts now under consideration and think it advisable to report against the Quit Rent Law & that relating to cultivation.

It is but very lately that we received any account of the state of the paper currency of North Carolina and We had great reason to question whether even that which came to our hands was authentic as it was unattended with any letter and not so much as sign'd by any person It is true We have since had your letter upon that subject dated Newbern 3rd of March last but as that only mentions that you are preparing an account of the currency and that you hope to send it in a few days we cannot look upon this as a proper return We cannot comply with what you desire in the same letter about recommending some gentlemen to be of the Council in your Province because we do not know what vacancies they are to supply & therefore We must remind you of what we writ in January last & We do expect once in six months you regularly send us a list of the Members of the Council in North Carolina taking notice at the same time of what vacancies have happened by death or resignation & who are absent & with regard to the last that you particularly specify from whom as well as for how long a time they have obtained license so far as you are able We must likewise desire you to acquaint us in our next whether there be any Provost Marshal in your Province & who he is So We bid you heartily farewell and are Your very loving frinds & humble Servts

R. PLUMER. MONSON
J. BRUDENELL. M. BLADEN

Whitehall June 26th 1740.

[B. P. R. O. Am: and W. Ind: Vol. 23. p. 547.]

My Lord, [Duke of Newcastle]

I have delayed doing myself the honour to acknowledge the Receipt of your Graces Letters of the 5th of January and the 5th of Aprill last, until I had it in my power to acquaint you with my success in executing his Majesties Orders.

I can now assure your Grace that we have raised above 400 men in this Province who are now embarked and just going to put to Sea.

In those Northern Parts of the Colony adjoining to Virginia we have got 3 Companies of 100 men each thō some few deserted since they began to send them on board the Transports at Cape Fear. There is one Company consisting of above 100 men whom I am just going to see embark'd. I have good reason to believe that we could have easily have raised 200 more if it had been possible to negotiate the Bills of Exchange in this part of the Continent; but as that was impracticable, we were obliged to rest satisfyed with four Companies.

I must in justice to the Assembly of the Province inform Your Grace that they were very zeâlous and unanimous in promoting this service. They have raised a subsidy of £1200 stᵉ as it is reckoned here by which the men have been subsisted ever since the middle of August and all the Transports victualᵈ It was not in their power thō they were very well inclined to raise money to hire the Transports because no owners of Vessels cared to take their Paper Currency and Commodities in Payment, I was therefore under a necessity of making use of His Majesties secret Instruction to me and hire four Vessels here and one at Cape Fear and have drawn upon the Commissioners of the Navy in Consequence of that Instruction.

Both Houses of Assembly have addressed me to beseech your Grace to interceed with His Majesty to bestow some mark of His Royal Favour on His Subjects in this Province by sending them some Ordonance and Ammunition for the Defence of their Coasts, some parts of which (particularly Cape Fear) are very much exposed to the insults of an Enemy.

As this Colony is just beginning to come into order and there is a probability of its being soon of much greater Consequence to Great Britain than it has hitherto been I hope Your Grace will pardon me if after this proof of their cheerful obedience to His Majesties Orders I presume to recommend their Petition to your Favour.

I am, with the greatest respect, &c.

GAB: JOHNSTON.

Edenton in North Carolina November the 5th 1740.

[B. P. R. O. North Carolina. B. T. Vol. 11. B. 57.]

At the Court at S^{t} James's the 27th of November 1740.

Present The King's most Excellent Majesty in Council.

Whereas by Commission under the Great Seal of Great Britain the Governor Council and Assembly of his Majesty's Province of North Carolina are authorized and empowered to make constitute and ordain Laws Statutes and Ordinances for the publick Peace Welfare and good Government of the said Province which Laws Statutes and Ordinances are to be as near as conveniently may be agreeable to the Laws and Statutes of this Kingdom and to be transmitted for his Majestys Royal Approbation and Disallowance. And whereas in pursuance of the said Powers an act was passed in the said Province in 1738 which hath been transmitted Entituled as follows Viz^{t}

An act declaring what shall be deemed a sufficient Cultivation of Lands already granted or hereafter to be granted by his Majesty and for ascertaining the manner of granting Lapsed Land

Which act together with a Representation from the Lords Commissioners for Trade and Plantations proposing the repeal thereof having been referred to the consideration of a Committee of the Lords of his Majesties most Honourable Privy Council for Plantation affairs The said Lords of the Committee did this day report to his Majesty that upon considering the said act they found by some of the clauses contained therein that the Patentees of Lands in North Carolina would be exempted from cultivating such a quantity of Lands as by the Terms and conditions of their Grants they were obliged to clear and improve and apprehending that such exemption will be a means of retarding the settlement of that Province and weakening his Majestys security for the payment of the Quit Rents the said Lords of the Committee therefore proposed that the said act should be repealed. His Majesty taking the same into consideration was pleased with the advice of his Privy Council to declare his Disallowance of the said Act and pursuant to his Majesty's Royal Pleasure thereupon expressed the said act is hereby repealed declared void and of none effect.

Whereof the Governor or Commander in Chief of his Majesty's Province of North Carolina for the time being and all others whom it may concern are to take notice and govern themselves accordingly.

A true Copy. JA : VERNON.

[B. P. R. O. North Carolina. B. T. Vol. 11. B. 52.]

My Lords [of the Board of Trade]

Just now I have received your Letters of the 20th & 21st of May and 26th of June last together with their Duplicates by the same Vessel.

It is a great misfortune that Letters are so long in coming to hand in this Country and the want of opportunity to transmit answers unless one sends them to the neighbouring Colonies of Virginia and South Carolina where they often lye a long time and are sometimes entirely neglected.

I cannot charge myself with ever missing wilfully any opportunity or delaying to send returns to your Lordships Letters unless prevented by sickness or want of shipping which last is the cause of letters arriving so late, as in these I answer at present and am obliged to send what I now write with their Copies by two expresses—One to Virginia and another to South Carolina.

I know your Lordships are too just to blame me for what is entirely oweing to the present Situation of the Country.

The raising of Forces has occasioned my residence in these Northern Parts of the Province for several months past. I have sent to Cape Fear for a Coppy of the state of our Currency which I shall take care to transmit by the very next opportunity.

I am sorry that what I sent before did not come to your Lordships in the authentick manner it ought. It was however a true state of the Currency in this Province Colony, and as it expires in four years I think the most effectual way of sinking it is to let it take its course and never more to renew it.

I have given orders to the person who acts for the Secretary in this Part of the Province to transcribe a Copy of what they here call their Laws.

There were none passed since his Majesty's purchase untill my arrival Those under the Lords Proprietors are of dubious Authority none of them printed and the written Coppies very different from one another. The best Coppy could be procured I sent to your Lordships with some remarks about Five years agoe.

I cannot help here remarking another great Impediment to the dispatch of publick business in the Colony because I am afraid it may make me often appear culpable to your Lordships when I am really innocent. And that is that the Papers and Records of the several offices are so dispersed that I am frequently obliged to send from one end of the Province to another for them.

This is entirely oweing to the want of a Town near the centre of the Country where all the Offices ought to be kept. But the people both here and in Virginia are very far from being fond of Towns.

I have however last Assembly prevailed so far thō not without great opposition to get a law passed for establishing a Town on the Forks of Cape Fear River which is the most commodious in every respect, of any situation in the Province.

In a year or two I hope to get all the Publick Business done there. But this must be done by Degrees.

In Consequence of His Majesties Orders I called an Assembly in the beginning of August last who laid on a Tax of above £1000 sterling for subsisting the Troops raised for the intended expedition and for victualing the Transports. I must do them the justice to say they were all very zealous in promoting this service. But such is the Poverty of the Country and the scarcity of Gold and Silver it was not in their power to hire Transports.

Several new Laws were made but I have ever since been in such a hurry in getting the Forces embarked both here and at Cape Fear that I have never yet had leisure sufficient to send my Remarks upon them Thō I believe the Secretary may have before this time transmitted a coppy.

I must therefore [beg] your Lordships would be pleased not to make any report concerning them until I send such Observations as I made at the time of their passing.

I am heartily sorry that your Lordships think it advisable to report against the Quit Rent Law. It was with such difficulty and after four years hard struggle that the people were prevailed upon to pass one so much in favor of the Crown. And I really flattered myself that I had done an acceptable piece of service it obtaining it.

I have perused all the Laws of this Nature which take place either in the continent of America or in the West Indies and I cannot find any in which the Crown has so many advantages as in this.

As your Lordships have not thought proper to acquaint me with any particular Objection against it I shall not trouble you any more on this subject; Only I must say this that I despair of ever seeing so good in its place and I am afraid the repeal of this Law will be the occasion of this Countrys relapsing into all its former confusions and animosities whereas the people have been very quiet and tractable ever since it passed.

As to the cultivation Law I never expected your Lordships would approve of it and shall be very glad to see it repealed.

There is at present no Provost Marshal in this Province but by a Law past Two Years since and transmitted with remarks to your Board every Country has its Sheriffs as in England and the other Colonies.

The Coppies of the Laws are sent from the Secretarys Office, and I shall take care for the Future that the Colony Seal be always affixed.

I hope your Lordships will excuse what is past.

The four vacancies in Council were occasioned by the death of Edmund Porter and John Baptist Ash Esq^{rs} and by two persons being put in by M^{r} Burrington into the List and continued in my Instructions who never appeared in this Country nor any other that I can learn of viz: Stallard & Eyens.

Upon receipt of your Lordships Letter adviseing his Majesties approbation of James Murray Esq^{re} I ordered him to be sworn in because the eight other Councillors were often equally divided when they sat as an Upper House and a stop was thereby put to Publick Business.

There are few Gentlemen here who care to pay the Taxes Fees of their Commissions Councellors because it occasions a great Expence and Fatigue without any manner of Profit.

There is not at present any person absent upon leave, I shall take care to acquaint your Lordships when there is.

I am, my Lords, &c.,

GAB: JOHNSTON.

Edenton, in N^{o} Carolina 17th December 1740.

[B. P. R. O. North Carolina. B. T. Vol. 10. B. 45.]

General Remarks on such Clauses of the Quit rent & Cultivation Acts passed in North Carolina in 1738, as are conceived to be Inconsistant with His Majesty's Instructions, the Constitution and Laws of England, & the Rights of His Majestys Subjects in America.

Most humbly submitted.

Remarks on the Quit rent Act.

1st. The Quit rent Law directs the Justices of the Peace in each County on Albemarle sound, to erect or hire store houses, for the Recep^{t} of such Commodities as shall be paid in discharge of Quit rents, & at the same time empowers them to levy money by was of Poll Tax, in order to defray the Charge of the Collection, or Reception of the Commodities so paid in.

The Legality of this Clause in the Act is submitted; But as it regards the Rights of the People, it will appear evident that the poor (who ought to meet with the greatest Encouragement in New Settlements) will

be much injured thereby; For if a poor man have Ten in family, & possesses only four or five hundred Acres of Land, he may pay as much under the Rates of the Poll Tax, as others who may possess Twenty or Thirty Thousand Acres in their own Right, In which view this must appear as an Act of great Oppression & Injustice.

2nd. The Receiver General is impowered to appoint a Person in each County for the Reception of Comoditys in lieu of Quit Rents at the rates & prices, and subject to the Regulations in the Act prescribed.

To ascertain or rate Comoditys, the value of which are in their Nature fluctuating & incertain, & which must & will vary & differ, notwithstanding any such nominal price as may be put upon them, according to the Demand that may be for them, is conceived to be unjust & illegal as it may in many instances occasion the subjects being obliged to deliver to the Crown their Comoditys at a lower price than they would produce in the Market, & must in almost every instance, be the Occasion of the Crowns receiving more or less in real value, than the amount of the Quit rents.

3rdly. All Quit rents reserved & made payable on any Grants or Patents for Lands, if paid or Tendered to be paid in Gold or Silver, shall be paid at Proclamation standard, peny for peny Current money of any other Denomination, Anything in such Patents or Grants to the contrary notwithstanding.

The Quit rents reserved on the Grants issued in the time of the late Lords Propre were to be paid in sterling money. By this Clause in the Act, they are to be paid in Proclamation money which makes 33⅓ ℔ ct difference in the Exchange And therefore ought not to have been assented to by the Governor without the particular licence of the Crown; And the doing it without was a direct breach of his Instruction, besides as my Lord Carteret is concerned in Interest with the Crown. It is submitted whether this may be agreable to the Saving Clause, in the Act of Surrender.

4thly. The Exchange between Publick Bills of Credit & Sterling money shall be Regulated on or befor the 6th of March yearly, By the Governor Council and an Equal Number of the House of Burgesses.

This Clause in the Act renders everything uncertain & precarious for as Commodities fluctuate, so they must regulate the Exchange of their Bills of Credit, or otherwise they will soon have no credit at all, and the whole Trade and Commerce of the Province be lost For what they may Tender or pay to day, an Equivalent for one Hundred Pounds sterling may in Ten days after not be worth Fifty Pounds Sterling, so that what this Clause requires is impracticable to be done without endangering the

whole Trade of the Province. And as this Clause so very greatly Effects the rights & properties not only of the Inhabitants there, but of the Merchants here, the passing this Act without a suspending Clause was in this (as indeed it was almost in every Clause of the Act) a direct Breach of the Governor's Instructions.

5thly. The Records or Abstracts of Patents recorded or the Exemplification of such Records where the Original Patent is lost or destroyed, shall be as good as if the Original Patents were produced & if the Quit rent on such Patents cannot be discovered by the record, then & in such Case the Grantee shall be Chargeable with the highest Quit Rent reserved to the Lords Propⁿˢ in the Respective Countys where such Lands lye.

This seems to be a Clause of a very extraordinary Nature and greatly to Effect the Rights of the Crown as well as to be against all Notions & Rules of Law. For to make an imperfect Abstract of a Patᵗ as good as if the Original Patent was produced, can tend to nothing but to open a door for frauds upon the Crown. And tho' nothing be recorded but these words Vizᵗ A Grant from the Lords Propⁿˢ to A. B. of 100,000 Acres of land in County under a Quit rent of for every hundred Acres. And which anyone may have entered, who never had a Grant. Yet this is by this Act, against all the Rules of Law made good Evidence against the Crown, & A. B. would hold the land under this low Quit rent of per hundᵈ Acres, for the Grantee is only to be subject to the Highest Quit rent, where the rent reserved cannot be discovered by the Record which is a Case will never exist for as all these Entrys of Abstracts only was founded in Fraud, so the lowest Quit rent will appear in every one of them.

6thly. The Quit rent law directs that all Patents which have passed the Seal of the Province before the 25th of July 1739, which are registered in the Secretary's office, or in the Auditor's office, or which shall be tendered to be registered in the office of the said Auditor, within 8 months after the Ratification of this Act, or for which the Quit rents on such Patents have been paid, shall be and they are thereby declared to be good & valid, to all Intents & Purposes whatsoever, provided always that no such Grant which shall hereafter be tendered to be registered within 8 months shall be good & Valid so as to defeat the Title of any Person Claiming under the Crown; unless the Party shall prove before the Govᵉʳ & Council to their satisfaction, that such Grant was compleat, before the time of issuing the Warrant on which His Maᵗʸˢ Grant was founded. And provided that the whole number of acres granted from January 1727 to July 1729, mentioned or intended to be secured by this Act, do not exceed the number of one Hundred & fifty Thousand

Acres, inclusive of what Grants are now upon Record in the Secretarys office, and that after the said number of One Hundred & fifty Thousand Acres shall be registered in the Secretary's office. All other Grants between the said above mentioned Dates, shall be deem'd void.

The late Lords Prop^{rs} Granted Patents for many Hundred Thousand Acres of land, which are not till this day surveyed or admisured out. By the Act of Surrender to the Crown, all those who had surveyed & taken up their lands before the Year 1727 were to be confirmed in their Possessions but such as had to that time Neglected it, were with great Justice precluded from any right of doing it afterwards. Whereas this Clause in the present Act breaks in upon & quite overturns the wholesome provision, & at once removes the strong & prudent Guard, & lets in all those Frauds & Impositions on the Crown, which the Act of Surrender was intended to prevent. And in direct opposition to the Act of Surrender, this present Act is to secure all such who have taken up Lands since 1727, tho' by virtue of old Rights, & not only so, but in a most Extravagant & barefaced manner, & to the obvious Injury of the Crown impowers the holders of Proprietory Patents, to take up Land under old Proprietory Grants, even now, & for the future, till within 8 Months after the Ratification of this Act, by which means the Frauds intended to be remedied by the Act of Surrender, will be revised & let in upon the Crown, & the Rights of many of His Majestys Grantees overturned & sett aside, & the state of the Grants, & Quit rents of the Crown be all thrown into the utmost disorder & Confusion; & by the very Extraordinary Powers, given to the Gov^{r} & Council to pull down & sett up what Grants they please, a most astonishing Inlett is opened to all manner of Frauds & Perjuries, with regard to Grants of Lands & the Restrictions provided by this Clause when considered, must appear to be of no weight to guard against or prevent, any of the many mischiefs that must unavoidably arise from such a Clause as this is,—The Limitation of 8 months is from the time that His Majesty may be pleased to ratify this Law instead of a Restriction gives the largest Latitude possible to introduce all the inconveniences that are apprehended to arise from a Clause of this Nature—the Title of the Grantees under the Crown, not being to be defeated unless the Person claiming under the Proprietors grant shall prove before the Governor & Council to their Satisfaction, that such grant was complete before the issuing the Warrant under which His Majestys Grant was founded, will still leave the Grant under the Crown very precarious, as it will depend wholly upon the will & pleasure of the Governor & Council. And tho' the Grantees under the Crown, should have been at a great Expense in improving their

Lands, the Gov^{r} & Council may yet permit a Dorment Title to be sett up against them & disposes them at pleasure, the Quantity of Acres limited by this Act, does not preclude others who have Patents dated before 1727 or since 1729 to claim Lands in right of them, Besides if before the 8 months expired, Grants should be tendered to be registered for more than 150000 Acres which shall be preferred & which rejected, & what injustice & Confusion must be the Consequence of this Provision. But there are still other objections, & if possible still stronger against this Clause, which is apprehended to make one of the greatest & most violent Breaches, that has been ever attempted since the Restoration, on the Laws & Constitution of this Kingdom, As it draws matters of Property & Title to be originally examined into & Determined by the Gov^{r} & Council which is against all the most Fundamental Principles of Law. The Grants of the Crown are of the most sacred nature, and ought not nay by Law, cannot be rescinded & sett aside, but by due course of Law, in the fair comon ordinary Method of Tryal by a Jury. And the Governor & Council can have no Cognizance of it, but on an appeal by way of Writt of Error, & therefore this Act, by giving them a power to Determine & Defeat the Title of the Grantees under the Crown in the first Instance, by way of original Jurisdiction, & that too, in a sumary way, & without being held to legal proof, or any other proof, than what may be to the satisfaction of the Gov^{r} & Council, is against the first principles of Law, Destructive of y^{e} undoubted Rights & Libertys of the subject, breaks in on Magna Charta, & all the Laws of Great Britain, Securatative of the rights of the subjects, takes away & Confounds the Jurisdictions of Courts & is wholly unprecedented, no Law of this kind Existing in any of our Plantations.

And it is apprehended that the subjects too have no remedy by way of appeal from any Determination of the Gov^{r} & Council under this Law to His Majesty in Council. For it is conceived the Lords of the Council, would not receive an Appeal from a Determination made by the Gov^{r} & Council, in the first instance where the Case had not before undergone a Legal Tryal in the Comon Ordinary Courts of Justice, and which yields another strong objection against this part of the Act.

7^{thly}. All Persons who are in possession of Lands by virtue of Patents under the late Lord Prop^{rs} seal bearing date on or since the 25th day of July, 1729, shall not be disturbed or called in Question concerning their right to such Lands, until His Majestys Pleasure concerning the same shall be made known; And if His Majesty shall disapprove of the said Grants that then & in such Case the persons claiming under them shall be intituted to hold the same subject to & under the Quit rents reserved made payable by His Ma^{tys} Grants.

By this Clause in the Act, if His Majesty should wholly disapprove of the Patents passed since 1729 Yet the Patentees are intituled to hold the Lands they are in possession of, and if they are not in possession of any Lands, they may yet by the favor and protection of the Gov^{r} Disposses His Majestys Grantees, which is giving too great a countenance to these Exhorbitant Grants, obtained in a manner that deserves no such marks of the Royal Favour, more especially as this confirms them in possession of all the Lands that are in their Exhorbitant Grants, thō not one Acre of it should be improved, and thō the Crown should disapprove these Grants and thō they should Contain Tracts of land ever so large and unreasonable. Yet by this Act the Grants themselves are Established and Confirmed, and the Grantees of the Crown, tyed up from disputing the Validity thereof, subject to the Quit rents reserved by His Majestys Grants and disabling His Majesty from preferring and supporting His own Grantees to whom he may have made Grants of these Lands. All which are humbly represented as very extraordinary powers Prejudicial to the just Rights and Perrogative of the Crown, and such as the Gov^{r} by his Instructions was restrained from assenting to, and as powers unreasonable & improper in themselves, and no ways fitting to be enacted into a Law.

8^{thly}. The Act runs thus, And whereas it may so happen that divers of the Grants issued by His Majestys Gov^{r} & Council, may interfere with those passed under the Lords Proprietors Seal, since the 25th of July 1729. Be it Enacted that all such His Majestys Grants, shall be deemed good & valid unless it shall appear that such Grants were surreptitiously obtained (that is to say) That the Kings Grantee obtained his Grant, when at the same time the same bears date, the proprs Patent, was actually recorded in the Secretarys office, and such land had been improved by himself or others. Or when the Lords Prop^{rs} Patent or Grant was at the time His Majestys Grant bears date, recorded in the Secretarys office, and the land was then generally reputed to be held by the Prop^{rs} Patent or Grant, or where the Lords Prop^{rs} Patent or Grant at the time the Kings Grant bears Date was actually recorded in the Secretarys Office and the Kings Grantee was told of such Grant, & provided also that His Majestys Grant shall not affect the Lands of any Person who claims under the Lords Prop^{rs} Patent and were Minors at the time His Majestys Grant bears date. And the Gov^{r} and Council are hereby authorized to decide all Questions relating thereto, provided the Persons claiming under the Lord Prop^{rs} Grant, Exhibit Petitions in the Secry^{s} office within 12 Months after the Ratification of this Act.

The Conditions required of such as hold patents under the Lords Propᵉˢ since the year 1729 are so worded, that it is impossible to know what is intended by them, But it may have this Effect, that it will leave all matters in Dispute wholly to the Determination of the Govᵗ & Council, in such manner as they shall see proper. By the observations already made, it appears that the limitation of One Hundred & fifty Thousand Acres is only between the years 1727 & 1729. So that all the Patents either before 1727 or since 1729. (of which I am persuaded there are to the amount of One Million five hundred thousand Acres subsisting) may without any Limitation as to the Quantity of Land, at a small Quit rent be confirmed by the Govʳ & Council at pleasure, & that even to the prejudice of His Majestys Grantees, the Powers here given to the Govʳ & Council, are of a most extraordinary nature, & lyable to all the same objections offered against the preceeding 6ᵗʰ Clause & the subjecting the Grants of the Crown to be sett aside at all by the Govʳ & Council in an Original Sumary way on Petition to be lodged in the Secretary's Office, but more Especially under the uncertain & precarious terms mentioned in the Act Vizᵗ if the land was generally reputed to be held by the Propᵉˢ Patent or if there was a prior Grant from the Propᵉˢ & the Kings Grantee was told of such Grant, is something of so very extraordinary & surprizing a nature, & lyable upon the face of it to so many objections that it is matter of wonder how the Govʳ could be prevailed on to assent to such a Law, without at least incerting a suspending Clause in it, and as the proving what was the general repute, And what might be told the Crowns Grantee, must all depend on Paroll Evidence, it requires no great skill to point out what a wide door is by this Act opened to Perjury; and all those many dreadfull Mischiefs & Inconveniences which our statute of Frauds & Perjurys was Calculated to prevent.

The Quit Rent Law Directs.

That all Persons possessed of Lands, by any Titles under the late Lords Proprietors shall Register their Original Grants (if they are not Registered at present) as well as their Mesne Conveyances, in the Auditors Office, within 8 months from the Ratification of this Act, and that all Grants under the late Lords Proprietors or under the Crown, & all Mesne Conveyances which shall not be registered or tendered to be registered, either with the Auditor or Clerk of the County Court, where the land lyes shall be null & void. Except pertaining to Orphans or Minors, who are to be exempted from any forfeiture till 12 months after they are of age and the Act further Directs, that for the better ascertaining a rent roll, the Publick Register in each County, shall before the

first day of February Yearly, Transmitt to the Auditor, an Exact list of all the Lands conveyed within the said County, In which shall be contained the partys names and quantity of Acres with their situation. The Secretary is in like manner to give the Auditor an acco^{t} of all the lands, bequeathed by Wills.

This Clause in the Act is drawn up with all the Art they were Masters of, in order to colour over their Designs, & to make the Law in some particulars appear to be for the service of the Crown, tho' in fact it is otherwise.

In the time of the late Lords Prop^{rs} no Patents or Grants were deemed perfect till the survey was returned, & a regular Entry made thereof, in the Secretarys Books, which rule or order was always comply'd with by the fair purchasers, & such as have taken up Lands by Virtue of Patents fradulently obtained, have likewise comply'd with this Rule, the Grants under the Crown may likewise be discovered by the records of the Countys the Secretarys Books, & the Minnets of Council, so that all that is necessary to discover the Rights of the Patentees under the late Lords Prop^{rs} and the Grantees under the Crown, is a fair Examination of the Registers, which may be had without an Act of this kind, but under this Disguise it is, that they intend to Confirme all those Patents, who at present lye Dorment, of which (I am informed) there are in this City to the Amount of one Million of Acres, besides infinite Numbers of blank patents in several planters hands abroad, which may be fill'd up at pleasure, so as to exempt the holders of them, from the Payment of Quit rents and also from their being lyable to settle & cultivate their Lands, & by the Direction of this Act, they may by the favour & protection of the Gov^{t} & Council, Dispossesses His Majestys Grantees, even tho' they should have Cultivated & improved their Lands. These few observations, amongst many others, which might be offered are humbly submitted, with regard to the Particular Clauses, & parts of the Act, pointed out in the opposite Margent. To which I shall only beg leave to add the following General one, which goes to the whole Act, Viz^{t} That there is no suspending Clause in the Act, as there ought to have been, & is expressly requir'd in a Law of this nature by several of the Gov^{rs} Instructions & for want whereof this Law is passed in breach & open defiance & Contempt of the Royal Instructions, which ought to be observed with the strictest regard & Obedience.

Remarks on the Cultivation Act.

By an Act intituled the Cultivation Act, all persons who hold Lands by Virtue of Grants under the Crown, are only required to clear one acre

in the hundred in three years. The present L[d] Chancellor, when Attorney General, In obedience to Directions given him for that purpose, prepared the form of a patent to be observed in South & North Carolina which was to this Effect, Namely, That it should be incerted in the body of the Grant that every Grantee should Clear & Cultivate Six Acres in the Hundred in three Years, or that in failure thereof the Lands granted should revert to the Crown.

Governor Johnston in North Carolina complyed but in part with this Order and made the Grantees only lyable to Clear & Cultivate 3 acres in the hundred in 3 years, from the date of their Patents. However this being found inconvenient to many of his friends, who had engrossed large Tracts of Land, not with a view to Cultivate & improve, but to sell to others, he has passed the above mentioned Law, in order to release them from the cultivating Restriction laid on them by the Grant, & to give them 3 years more to clear but one acre in the hundred, so that if this Law is not repealed, the Crown will have no security for the payment of the Quit rents which wholly depends on the improved Land, nor will the Possessors of the Grants promote the settlement of Lands in the manner that other ways they might find it their Interest to do, and the Royal Intention of putting the Grantees under an obligation of improving the Land be wholly defeated & disappointed, and the land be wholly uncultivated, the Royal intention was that 6 Acres in the hundred should be cultivated in 3 years. The Governor in the first instance went half way to defeat this, by holding the Grantee to improve but three Acres in the hundred in 3 years under the Conditions of his Grant and this tho' so reasonable in itself, & so easy to be complyed with, and which most certainly would have been complyed with, had there been any intention in the Grantee of cultivating the Land at all, was still to be further released, and an Act passed to dispence with the Terms and Restrictions of the Grants, and to give 3 years more to improve only one acre in the 100, so that instead of six Acres in the hundred being improved in 3 Years, the Gov[r] has thought fit to give the Grantees 6 years to improve only 1 acre in the hundred, and when these New 3 years are expired, it will be as little a stretch to discharge the Grantees from the cultivating Clause quite, but how an Act of this kind can be considered as a Cultivation Act, is something difficult to account for the Enacting part of this Act being of a quite different Nature from what the Title of the Act would lead one to Expect. And if this Law should receive the Royal assent it is no difficult matter to foresee that the further Cultivation of this Province is at an end, and such a Wound will be thereby given to the Quit rents of the Crown as they will not easily be able to recover, and all the Forfeitures,

which for want of cultivating the Lands, persuant to the Terms of the Grants, were or would be vested in the Crown, and that only real Security for the Quit rents of the Crown will be at once given up, and the real rights of the Crown be injured in a most sensible manner.

And notwithstanding all these ill Consequences arising from this Act to the Rights and Revenues of the Crown, the Gov^{r} has in manifest contempt of his Instructions thought fit to pass this Law, without any suspending Clause in it.

For all which amongst many other reasons, It is humbly proposed, that this Act shall likewise receive the Royall Disallowance.

(Endorsed)
Recd: from M^{r} M^{c}Culloh.

[B. P. R. O. North Carolina. B. T. Vol. 11. B. 51.]

At the Council Chamber Whitehall the 31st Day of July. 1740. Present Their Excellencys the Lords Justices in Council.

Whereas by Commission under the Great Seal of Great Britain the Governor Council & Assembly of His Majestys Province of North Carolina, are authorized and impowered to make, constitute and ordain Laws Statutes and ordinances for the Publick Peace Welfare and Good Government of the said Province which Laws, Statutes and Ordinances are to be as near as conveniently may be, agreeable to the Laws and Statutes of this Province Kingdom and to be transmitted for his Majestys Royal Approbation or Disallowance—And whereas in pursuance of the said Powers an Act was passed in the said Province in 1738 which hath been transmitted entituled as follows—viz^{t}

An Act for providing His Majesty a rent Roll for securing His Majesty's Quit Rents for the Remission of Arrears of Quit Rents an for quieting the Inhabitants in their Possessions and for the better Settlement of His Majesty's Province of North Carolina.

Which Act together with a Representation from the Lords Commissioners for Trade and Plantations proposing the repeal thereof haveing been referred to the Consideration of a Committee of the Lords of His Majesty's most honourable Privy Council for Plantation affairs the said Lords of the Committee did this day report to their Excellencys the Lords Justices that upon considering the said Act they found a clause inserted therein for the better ascertaining the value of the Paper Money whereby a Power is given to the Governor and Council, the Attorney &

Receiver General and as many of the House of Burgesses as shall equal the number of Governor Council Attorney and Receiver General, to regulate the Exchange annually, and that it was the opinion of the Committee that the vesting such Power in any Persons whatsoever, might be of dangerous consequence, and highly prejudicial to the Trade of this Nation, and that therefore the said Act ought to be repealed.

Their Excellencys the Lords Justices taking the same into Consideration were pleased with the advice of his Majestys Privy Council to declare their Disallowance of the said Act, and pursuant to their Excellencys pleasure thereupon, the said Act is hereby repealed, declared void and of none effect—Whereof the Governor or Commander in Chief of His Majestys Province of North Carolina for the time being and all others whom it may concern are to take Notice and govern themselves accordingly. A true copy.

JA: VERNON.

[B. P. R. O. B. T. JOURNALS. VOL. 49. P. 1.]

BOARD OF TRADE JOURNALS.

At a Meeting of His Maj. Commis[rs] for Trade and Plantations.

Present

Lord Monson

M[r] Ashe. M[r] Plumer

Friday. January 11[th] $173\frac{9}{40}$.

Ordered that the Secretary prepare the Draught of a letter to Gabriel Johnston Esq[re] Gov[r] of North Carolina desiring him to send over by the first opportunity the several Laws passed therein and mentioned in his letter of 10 April 1739.

[Page 2.]

Tuesday. January 15[th] $173\frac{9}{40}$.

Read the draught of a letter to the Gov[r] of North Carolina mentioned in the Minutes of Friday last and the same being agreed to was ordered to be transcribed—and was signed Jan[ry] 17[th]

Ordered that a letter be sent to M[r] M[c]Culloh Agent for North Carolina desiring him to lay before the Board a state of the Council of that Province.

[Page 4.]

Wednesday. January 23[rd] $173\frac{9}{40}$.

M[r] M[c]Culloh Agent for North Carolina delivered in a paper entitled *a short state of the paper currency of North Carolina* which was accordingly read.

[Page 39.]

Wednesday April 16th 1740.

The Secretary laid before the Board several public papers lately received from North Carolina transmitted by Governor Johnston as promised in his letter (dated April 10th 1739 and read 5th of July following—Viz:

Minutes of Council from June 28th 1738 to March 6th 173$\frac{8}{9}$

Eleven Acts of Assembly passed in 1738. Ordered that the said Acts be sent to Mr Fane for his opinion thereupon.

[Page 45.]

Thursday. May 1st 1740.

Read a letter from Mr Johnston, Govr of North Carolina to the Board dated at Cape Fear Janry 28. 173$\frac{9}{40}$ containing his observations on the Acts lately passed in that Province and particularly upon the Quit rent law.

[Page 55.]

Thursday. May 22nd 1740.

Their Lordships took into consideration the Quit rent law of North Carolina and Mr Fane attending had some discourse with him upon the subject matter of the said law and at the same time desired he would give them his thoughts thereupon as soon as conveniently may be after the holidays which he promised to do accordingly

[Page 56.]

Wednesday June 4th 1740.

Mr McCulloh attending delivered in a paper at the Board entitled "General Remarks on such clauses of the Quit rent and Cultivation Acts passed in North Carolina in 1738 as are conceived to be inconsistent with his Maj. instructions the Constitution and the laws of England and the rights of His Maj. subjects in America" the Board took the same into consideration and after some time spent therein deferred the further consideration of same till tomorrow.

[Page 57.]

Thursday June 5th 1740.

Mr McCulloh attending the paper of remarks mentioned in yesterday's minutes being again heard the Board after some discourse with him on that subject took the same again into consideration and made some progress therein referring the further consideration thereof to Tuesday next.

[Page 58.]

Tuesday June 10th 1740.

The Board likewise had again under consideration the paper of *remarks* on some clauses in two Acts passed at North Carolina in 1738 mentioned

in the Minutes of the 5th inst. and ordered the Draught of a Report to be prepared.

Wednesday June 11th 1740.

Mr McCulloh attending the Board had some further discourse with him on the subject of that part of his paper of *remarks* which relates to the Quit rent Act & taking into consideration the Draught of a Report on that and the other Act mentioned in yesterday's minutes made some progress therein.

[Page 59.]

Thursday June 12th 1740.

Read an account of the state of the paper currency of North Carolina from the first emission of any bills of credit to the year 1740. N B. This came under a cover addressed to the Board but without any letter

Ordered that the Secretary write a letter to the Govr of North Carolina acquainting him that the above paper had come to the Board without being signed or any letter transmitting it and desiring him to send an authentic account.

[Page 60.]

Mr McCulloh attending the Board had some further discourse with him on the subject of the Quit rent law &c. and the Secretary was ordered to write to some of the Merchants trading to North Carolina desiring their attendance at the Board on Thursday morning next.

[Page 62.]

Wednesday June 18th 1740.

Read a letter from Mr Johnston Govr of North Carolina to the Board dated at Newbern March 3rd $173\frac{9}{40}$ inclosing an account of the state of the paper currency of that Province from the first emission of any bills of credit to the year 1740 and recommending some persons to be of the Council there

Ordered that the Draught of a letter be prepared in answer to this & the other letter recd from him since the last to him from the Board.

[Page 63.]

Thursday June 19th 1740

Mr McCulloh attending with several Merchants (whose names are in the Margin Mr Robt Carey Mr Thos. Hyam Mr Jno Thomlinson. Mr Hen. Heylyn. Mr Jno Hawkins Mr Hen. Howson. Mr Thos. Smith Mr David Cave. Capt. Aaron Mollish Mr Wm Vaughan) trading to No Carolina as desired by the Minutes of the 12th inst. the Board had some discourse with them on the subject of the Quit rent law &c. passed in that Province and after hearing their objections to the same the Board ordered that the Draught of a Representation to their Excellencies the Lords Justices be prepared advising the disapprobation of the said Act.

Ordered likewise that the Draught of a Representation to their Excellencies the Lords Justices be prepared advising the disapprobation of the Cultivation Act passed in the said Province of N° Carolina.

[Page 64.]

Wednesday June 25th 1740.

The Board had under consideration the draught of a Representation to their Excelcs the Lds. Justices on the subject of the Quit rent law ordered to be prepared by the Minutes of Thursday last & made some progress therein.

[Page 65.]

Thursday June 26th 1740.

The draught of a letter to Mr Johnston Govr of No. Carolina having been prepared as orderd by the Minutes of the 18th inst. the same was agreed to and signed.

The draught of a Representation to the Lords Justices ordered by the Minutes of the 19th inst. advising the disapprobation of the Quit rent law of No. Carolina A° 1738 was agreed to & signed.

[Page 66.]

Tuesday July 1st 1740.

The draught of a representation to the Lds. Justices ordered by the Minutes of the 19th of last month advising the repeal of the cultivation Act passed at North Carolina in 1738 was agreed to & signed

[Page 93.]

Thursday October 9th 1740.

Read a Memorial from four gentlemen of the Council in North Carolina to the Board dated at Cape Fear River July 3rd 1740 complaining of Mr Smith the eldest Councillor and three other members of that Board who join in supporting him in the exercise of a power whereby the rights of the Council there have been infringed.

Ordered that the said Memorial lye by to be considered when the Minutes of Council & representation to which it refers shall arrive.

[Pages 97 and 101.]

Thursday October 16th 1740.

The Secretary laid before the Board the following copies of Orders of Council transmitted from the Council Office the 22d Sept. last the Titles whereof were read, Vizt

* * * * *

Copy of an Order in Council dated the 14th August 1740 directing in what manner Grants of land shall pass in South & North Carolina and directing the Governors to countenance and protect Mr M°Culloh in his office of Comptroller of the Quit rent there

Copy of an Order in Council dated the 12 June 1739 approving a Representation of this Board proposing Jas. Murray Esq. to supply a vacancy in the Council of North Carolina by the death of Edmund Porter Esq^{r}.

Copy of an Order in Council dated 21 July 1740 approving a Representation of this Board proposing the repeal of an Act passed at North Carolina in 1738 *for providing His Majesty a rent role for securing His Majesty's Quit rents for the remission of arrears of Quit rents &c.*

[Page 108.]

Tuesday October 28th 1740.

The Secretary laid before the Board four Acts passed in No. Carolina in Feb^{y} 173$\frac{9}{40}$ (referred to in Gov^{r} Johnston's letter of the third of March 173$\frac{9}{40}$ and read 18 June last) the titles of which acts were read

Ordered that the said Acts be sent to M^{r} Fane his Maj. Council at law for his opinion thereupon in point of law

At the same time the Secretary laid before the Board likewise the Journal of the Assembly of No. Carolina beginning June 5th and ending Sept. 22nd 1739.

[From MSS. Records of North Carolina Council Journals.]

COUNCIL JOURNALS.

At a Council held at Newbern the 5th February 17$\frac{3}{40}$

Present His Excellency the Governour

The Honoble	Nath Rice	Math Rowan
	Rob^{t} Halton	Edw^{d} Moseley
	Eleazer Ellen	Roger Moore

His Excellency was pleased to acquaint his Majesty's Council that he had received a Letter from the Board of Trade with two Addresses from the House of Lords and likewise two Addresses from the House of Commons to his Majesty that his Majesty would be graciously pleased to give directions to the proper Offices to prepare an Account to be laid before their respective Houses of the paper Money Current in the British Plantations in the year 1700 as also of the amount of all such money Created or issued since 1700 with the amount of the value of such paper Money or Bills of Credit at the respective times of their creating or issuing and what provision was made for Sinking such Money together with an Account of the Amount of the Bills that have been sunk and also of the Bills now Subsisting in the Plantations with the Amount in the money of Great Britain distinguishing each Species and each Colony

As also an Account of what Rate all Gold and Silver Coins passed and Gold and Silver were purchased at or sold for per ounce in the years 1700, 1710, 1720, 1730 and at this time in the said Plantations distinguishing each Colony or Plantation

Which Letter recomending it to his Excellency forthwith to prepare and transmit to them such Accounts for this province and addresses were read and thereupon his Excellency was pleased to name Eleazer Allen Mathew Rowan and Edward Moseley Esq^{rs} and they were accordingly appointed a Committee to draw up such Account and lay it before this Board with all convenient Speed

His Excellency was pleased to acquaint the Board that the Board of Trade had Signifyed to him the Repeal of two Laws that he had formerly wrote his opinion to them upon that they ought to be repealed and that he thought it was the Act of Staple Comodities rated and that for establishing the Courts and Offices at Edenton

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At a Council held at Newbern the 14th February Anno Dom $17\frac{39}{40}$

Present His Excellency the Governour

The Honoble { Ch Jus Smith, Nath Rice, Col Halton, Edw^{d} Moseley, Eleaz^{r} Allen, Roger Moor, Math Rowan } Esq^{rs} Members of Council

Read Sundry petitions for Patents Viz^{t}

W^{m} Bartrim for 70 Bladen, John Bull 200 Bertie, Jno Collins 400 D^{o}, John Cain 160 Edgcombe, Benj^{a} Larkeed 300 Tyrril, Jno Cox 200 Craven, James Craven 646 Tyrril, W^{m} Drake 160 Edgcombe, Jos Dwight 250 Beaufort, Jno Etheridge 300 Currituck, W^{m} Taulk 400 Edgcombe, Christ^{o} Gun 500 D^{o}, W^{m} Gardiner 160 Tyrril, Christ^{o} Guin 400 Edgcombe, Robert McRee 300 Tyrril, Jerman Howard 640 Onslow, Thos Hall 100 D^{o}, W^{m} Howel 200 Edgcombe, Jno Holmes (560^{ac} ret^{d}) 640 D^{o}, W^{m} Horne 160 D^{o}, Jere Hilliard 200 D^{o}, Eman Jones 300 Onslow, W^{m} Johnston 300 Edgcombe, Eman Jones 350 Onslow, (Thos Murphy for a resurvey of the Land whereon he Dwells), Jos Moore 400 Edgcombe, Edm^{d} Peirce 190 Beaufort, Benj^{a} Regney 225 D^{o}, Jno Worsley 640 D^{o}, Nath Draper 500 D^{o}, Jeremiah Sunions 300 N. Hanover, Sam Noble 320 Carteret, Jno Pope 400 Edgcombe, Jno Veal 240 Bertie, Chas Stevenson 1,280 D^{o}, W^{m} Suggs 140 Craven, George Suggs 400 Edgcombe Rich^{d} Wiggins 160 D^{o}, Frans Roundtree 200 D^{o}, Jno Vernan 500 Beaufort, Eliz Procter 250 D^{o}, Edward Bunch 200 Bertie, Jno Worsley 300 Beaufort Fran^{s} Hoptons 400 Tyrril, Moses Houston 300 Carteret, Jas Herbert 200 Craven, Robt House 210 Bertie, Steph Howard 640 Onslow, Robt Halton 500 (be marked J

Oathy he had granted formerly for the same) N. Hanover, W^m^ Kennedy junr 320 Tyrril, Anthony Lewis 150 Onslow, Jos Lane 400 Edgcombe, Jos Moore 240 D°, Thos Fulcher 150 Craven, Jno Jewell 300 Beaufort, Seth Pilkington 640 D°, Fran^s^ Roundtree 400 Edgcombe, Dan Sunions 200 Beaufort, David Wharton 300 D°

The Court adjourned till tomorrow morning 9 o'Clock.

The 15 February Present as before

His Excellency the Governour was pleased to acquaint this Board that for some time past there had been no regular Court of Chancery held in this province and that it was necessary to have the said Court Established to be held at a Certain place whereupon the Council were unanimously of opinion that for the future all Courts of Chancery within this province shall be held at Newton in the County of New Hanover on the third Tuesdays in the Month of May and September yearly and so *de die in diem* being the time the Court of Assizes is held.

Ordered that Publick Notice hereof be sett up at the Court House Door in every County within this Province and that any Complainant or Defendant in the said Court may repair to any member of His Majestys Council and make Oath to his or their Bills answers and Interrogatories depending in the said Court

Mr Ch Justice Smith took and Subscribed the several Oaths appointed by Law to be taken by Public Officers in Pursuance of the Commission of Assize and General Goal Delivery for Beaufort and Hyde.

Col Edward Moseley took and subscribed the several Oaths by law appointed to be taken by Public Officers as one of the Publick Treasurers of the province

Read Sundry Petitions for Patents Viz^t^

Thos Spights (353 ret^d^) 640 Craven, Jno Ballard 300 Edgcombe, Jno Dep 50 Craven, Rob^t^ Forster 395 Bertie, W^m^ Barr 365 Beaufort, Reading Blunt 300 Craven, Jno Perry 535 Bertie, Chas Evans 575 Beaufort, Jno Bryant 640 Craven, Jno Freeman 100 Beaufort, Walter Droughon 640 Bertie, Edw^d^ Mashburn 640 Onslow, Jno Boyd 640 Beaufort, Math Rowan 500 N. Hanover, Benj Evans 260 Edgcombe

Read this day at the Board the Petition of Giles Long in those words

To His Excellency Gabriel Johnston Esq^r^ Governour Cap^t^ General and Commander in Chief in and over his Majestys province of North Carolina Humbly Sheweth

That your Petitioner is in peaceable possession of a tract of land containing two hundred acres or thereabouts joyning the lands of Thos Long in Tyrrel County which land hath been peaceably possest by your

Petitioner and those under whom he claims about thirty five years as may appear by the Deposition of Thos Long taken before Edward Moseley Esq^{r} one of his Majestys Council of this Province which proof your Petitioner is ready to produce to your Excellency and prays that the same may be enrolled in the Secretary and Auditor General's Office agreeable to a clause in an Act of Assembly of this province Intituled an Act for Securing his Majesty's Quit Rents for the remission of Arrears of quit Rents and for queting the Inhabitants in their Possessions and for the better Settlement of his Majesty's Province of North Carolina

And your Petitioner is in duty bound shall ever pray &c

The Deposition of Thomas Long before the Honourable Edward Moseley Esq^{r} one of his Majestys Council of this province was also read in these Words Viz^{t}

NORTH CAROLINA—ss.

That on the Seventh day of February Anno 1739 Personally appeared before me Thomas Long of Tyrril County who on his Oath on the Holy Evangelists taken saith that he well knoweth the Plantation whereon Giles Long how dwelleth in Tyrrel County butting on Albemarle Sound containing two Hundred Acres or thereabouts lying to the Eastward of the land of his Deponent liveth on and to the westward on land belonging to Andrew Long Brother of the said Giles which land of Giles Long did formerly belong to James Long father of the Deponent and whereon the said James dwelled and was possessed by him to this Deponents perfect knowledge about thirty-five years ago and after the said James' death the same two hundred acres was possessed by James Long brother of this Deponent by virtue of his Father's Will And after the decease of James the Son of the same Land came unto the said Giles by Virtue of the Will of James Long his father and is now in possession of the said Giles and for thirty five years past has been in possession of the said James Long this Deponent's father Elizabeth Long this Deponent's mother James Long Brother of this Deponent's and the aforesaid Giles Long nephew to this Deponent

Sworn before me the day and year above mentioned

E. MOSELEY.

His Excellency the Governour and Council were thereupon of opinion that the said Depositions of Thomas Long was Sufficient proof of the said Giles Longs quiet Possession of the said two Hundred Acres of Land lying in Tyrril County joining the Lands of Thomas Long and that from henceforth the said Giles Long His Heirs and Assigns shall and may quietly hold and enjoy the said two hundred Acres of land against

his Majestys his Heirs and Successors paying yearly every 25 day of March the Sum of two Pounds Sterling ℔ hundred acres for the said Land agreeable to the Act Intituled an Act for providing his Majesty a rent roll for Securing his Majestys Quit Rents for the remission of Arrears of Quit Rents and for quieting the Inhabitants in their possessions and for the better Settlement of his Majestys Province of North Carolina.

Read the Petition of Thomas Long of Tyrrel County shewing that he hath been in possession of one hundred Acres of land joyning Eliz. Hawkins Land in the said County for upward of 23 years proved by the Depositions of Jacob Blount and Eliz Hawkins praying the same be enrolled in the Secretarys and Auditors Generals Office

Granted in the same manner as the above Petition of Giles Long.

Read the Petition of Thomas Long of Tyrrel County shewing he hath been in possession of one hundred acres of land joyning Eliz Hawkins Land in the said County for upwards of 23 years proved by the Depositions of Jacob Blount and Eliz Hawkins praying the same may be enrolled in the Secretarys and Auditor Generals Offices

Granted in the same manner as the above Petition of Giles Long.

Read the Petition of John Taylor of Chowan County shewing that he hath been in possession 125 acres of Land joyning the land of Col Edward Moseley and lands belonging to one Wharton in the said County for upwards of 34 years proved by the Deposition of Edward Moseley Esq^{r} one of his Majestys Council and praying the same may be enrolled in the Secretarys and Auditor Generals Office

Granted in the same manner as the foregoing petitions

Read the Petition of Rebecca Purcel shewing that her late Brother Henry Dice deceased devised to his Son John Dice a Minor a tract of land Surveyed by M^{r} Boyd and return made into the proper Offices but that not having Patented the said Land in his Life time James Rigney has obtained a Warrant for the said land is prejudice of the said Minors Righten Equity the therefore prays a Patent in the name of John Dice on the said return or in case the same being lost a new warrant. Granted.

The 16th February Present as before

Read Sundry Petitions for Patents Viz^{t}

Jno Williams for 254 Craven, Rob^{t} Wails 150 D^{o}, Herman Hill 300 D^{o}, Thos Wallace 150 Currituck, Theop Williams 150 Craven, Benj^{a} Evans 266 Edgcombe, Morgan Morgan 320 N. Hanover, Rob^{t} Boyd 230 Beaufort Granted

Read the Petition of Jno Wims of Bertie County Shewing that he hath been in possession of 150 acres of land joining on W^{m} Hooker's line in the said County for upwards of 26 years proved by the Depositions of Rob^{t} Evans Richard Powell and Elener Oldner and praying the same may be enrolled in the Secretarys and Auditor General's Offices

Granted in the same manner as the foregoing petitions

Read the Petition of John Porter Esq^{r} of New Hanover shewing that he hath been in possession of 1,200 Acres of land or thereabouts lying in Chowan County bounded on the S^{o} on Albemarle Sound to the Westward on Mr Veals Land and to the Eastward Extending to or near Bluff point for upwards of 34 years last past provided by the Deposition of Edward Moseley Esq^{r} one of His Majestys Council And praying the same may be enrolled in the Secretary's and Auditor General's Offices.

Granted in same manner as the foregoing Petitions

Read the Petition of Henderson Luten of Chowan County shewing that he hath been in possession of 163 Acres of Land or thereabouts joining the Lands of Mr John Blount and Land belonging to your Petitioner in the said County for upwards of thirty years proved by the Deposition of Mr Thomas Luten and W^{m} Houghton and praying the same may be enrolled in the Secretarys and Auditor Generals Offices.

Granted in the same manner as the foregoing Petitions

At a Council held at Newbern 18th February 1739 [1740]

Present His Excellency the Governour

The Honoble { W^{m} Smith, Math Rowan, Nath Rice, Edw^{d} Moseley, Rob^{t} Halton, Roger Moor, Eleaz^{r} Allen } Esq^{rs} Members of His Majestys Council

His Excellency the Governour was pleased to acquaint this Board that he had received a Letter from the Right Honorable the Lords of Trade and Plantations Signifying that he had been graciously pleased to approve of his recommendation of Mr Murray for a Councillor of this Province in the room of Mr Porter deceased which the Governour Ordered to be read which is in these words Viz^{t}

WHITEHALL September 12th 1739

SIR,

Since Ours to you of February 8th 1738 We have received your Letters of the following Dates Viz^{t} January 15 173$\frac{7}{8}$—June 13 1738 and April the 10th 1739 In compliance with your request in that of the 8th of February 173$\frac{7}{8}$ We have recommended Mr Murray to his Majesty

for a Councillor in the room of Mr Porter deceased and his Majesty has been graciously pleased to approve of him accordingly

As to the Dispute you mention in that of June 13th 1738 relating to the Boundary line betwixt your Province and South Carolina We have only to answer that as yet no application has been made to us from South Carolina in relation to this affair but that when there is We shall take the same into our consideration and you shall be acquainted with what is done in it

We are glad to hear the Assembly have passed so many good Laws and as soon as we shall receive them into consideration in the mean time we congratulate you upon the good harmony that is at length established betwixt you and the People under your Government and hope for continuance of it to your mutual satisfaction

We inclose to you the opinion of the Attorney and Solicitor General relating to Staple Comodities Rated and we hope the affair of the Blank Patents will soon be put into such a method as to make all partys easy So we bid you heartily farewell and are your loving Friends and Humble Servants

M. BLADEN
JA. BRUDENELL
R. PLUMER

And thereon his Excellency desired the opinion of this Board whether the said Murray should not be sworn one of his Majestys Council of this province in consequence of his Majestys said approbation which the Honourable the Council approved of And the said Mr Murray being called to the Board and acquainted therewith took and subscribed the several Oaths by law appointed to be taken for the Qualification of Public officers as also the oath of a Councillor

At the same time His Excellency was pleased to acquaint this Board that he had appointed Robt Hamilton Esqr Auditor of this province in the room of William Maxwell Esqr deceased untill the Pleasure of the Right Honoble Horrice Walpole Esqr Auditor General of his Majestys Plantations should be known thereon And the said Hamilton before this Board took and subscribed the several oaths by Law appointed to be taken for the qualification of Publick Officers as also an Oath to execute the said Office Faithfully

At a Council held at Newbern 19th February Anno Dom. 1739 [1740] P. M. Present His Excellency the Governour

The Honoble	Wm Smith	Math Rowan	Esqrs Members of Council
	Nath Rice	Edwd Moseley	
	Robt Halton	Roger Moore	
	Eleazer Allen	James Murray	

This Day the Governour in Council was pleased to declare that as he was informed by several members of the Upper House that upon an Equality of Votes upon any Bill treated of in that House It was controverted whether the President of the Council when they sat as an upper House had the casting Vote that he would always reckon and look upon all votes, resolutions and Bills passed in the upper House by the decisive Vote of the President in case of an Equality of the Votes as proper Legislative Acts of the upper House and give his assent to such Laws as properly regularly and legally passed and ordered this His Declaration to be inserted in the Journals of Council to be transmitted home to the Secretary of State and the Board of Trade.

22d February 1739. [1740] Present His Excellency

The Honoble { Nath Rice, Robt Halton, E. Allen, M. Rowan, Roger Moore, James Murray } Esqrs Members of Council

Read Sundry Petitions for Patents Vizt

John Liles 300 Edgcombe, Jno Gent 150 Do, Edwd Jones 200 Do, Do 100 Do, Wm Kendric 300 Do, Jno Perit 400 Do, Jno Hilliard 200 Bertie, Jno Veale 240 Do, Robt House 600 Do, Bryan McClendon 150 Carteret, Joshua Nash 233 Do. Granted

Read the Petition of Simon Alderson praying that his patent and Plot which was produced at the Board may be altered from running along upon a straight line to the meanders of the Creek which was accordingly Granted.

At a Council held at Newbern the 22d February 1739. [1740] Present as before.

Read the Petition of John Durant King of the Yeopim Indians in behalf of himself and the said Nation praying an Order of Council may pass impowering them to sell or exchange their lands as may best [suit] their conveniency and that the Sales or exchange by them so made may be good and valid to the purchaser which was accordingly granted

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The 25th of February 1739. [1740] Present as before.

His Excellency the Governour was pleased to inform this Board that as the present Assembly had rejected the Fee Bill it was necessary to issue a Proclamation to direct the several Officers within this Province in what manner they should receive their Fees untill the General Assembly should ascertain the same.

Thereupon the Honoble the Council were of opinion that His Excellency the Governour direct a Proclamation to issue strictly requiring

and commanding the several and respective Officers within this Government or their Deputys that they do not presume to take any other Fee or Fees for any Business to be done in their respective Offices than what is contained in the old table of Fees at four for one in lieu of Proclamation Money until the same shall be regulated by the General Assembly.

And His Excellency the Governour was pleased to direct a Proclamation to issue thereon agreeable to the above order.

At a Council at Newbern the 28th February 1739 [1740]

Present His Excellency.

The Honoble { Mr Smith, Mr Rowan, Mr Halton, Mr Moore, Mr Allen, Mr Murray } Esqrs Members of Council

Ordered that a new Commission of peace issue for Bladen directed to the following persons Mathew Rowan Wm Forbes Hugh Blaning John Clayton, Robert Hamilton, Griffith Jones James Lyon, Duncan Campbel, Dugold McNeil Dan McNeil Col McAlister Neil McNeil Wm Bartram and Samuel Baker hereby constituting and appointing them Justices of the peace for the said County

Ordered that a new Commission of the peace issue for New Hanover County directed to Nath Rice Robt Halton Eleazr Allen Math Rowan Edwd Moseley Roger Moore James Murray James Innes Edwd Hyrne Cornse Harnet Saml Woodward Maurice Moore John Swann Jno Davis Wm Dry John Porter Richard Eagles William McRee William Faris Robt Walker and Thomas Clark Esqrs hereby constituting and appointing them Justices of the Peace for and within the said County.

Read Sundry Petitions for Patents Vizt

Math Allen 300 Craven, Jno Bradley 100 Do, Jno Bryan 626 Craven, Jno Green 273 Do, Robt Forster 240 (retd 175) Bertie (this granted 22d May 1711), Martin Fryar 150 Craven, Carry Godbee 500 Do, Sam Herring 367 Do, Simon Do 153 Do, George Kernegee 640 Do, Steven Lee 190 Tyrrel, Jacob Moore 640 Beaufort, Simon Malpas 254 Craven, Jas Brown 400 Beaufort, Edwd Bryan 172 Craven, Abram Odam 200 Craven, Jno Rienset for a resurvey 225 Beaufort, Jno Small 300 Carteret, George Smith 200 Craven, Sam Slade 100 Do, Thos Tyson 200 Do, Edwd Do 100 Beaufort, Do 235 Do, Joseph Wheeler 470 Craven, Jno Whitley 61 Do Granted

Read the Petition of George Lisles of Chowan County shewing that he hath been in possession of two hundred acres of Land or thereabouts lying in the said County adjoining to Lands belonging to William Arkill and John Bonner and the town of Edenton for upwards of twenty seven years Proved by the Depositions of Margaret Arkill and John Harlor

both of Chowan County and praying the same may be enrolled in the Secretarys and Auditor Generals Offices.

Granted in the same manner as the foregoing Petition.

Read the Petition of William Arkill of Chowan County Showing that he hath been in possession of fifty Acres of land in Chowan County adjoyning lands belonging to John Bonner George Lisles and the town of Edenton in said County for upwards of thirty five years proved by the Depositions of William Luten and John Harlor both of Chowan County and praying the same may be enrolled in the Secretary and Auditor Offices.

Granted in the same manner as the foregoing Petitions.

Read the Petitions of Samuel Gregory in Pequimons County shewing that he hath been in possession of three hundred acres of land or thereabouts lying in the said County adjoining to Lands belonging to James Egerton on Yawpim river for upwards of 40 years proved by the Deposition of John Long and praying the same may be enrolled in the Secretarys and Auditor Generals Offices

Granted in the same manner as the foregoing Petitions

Read the Petition of Thomas Pendleton of Pasquotank County Shewing that he hath been in possession of Eleven hundred Acres of Land lying in the said County for upwards of thirty years adjoyning to M[r] Palins Lands proved by the Depositions of David Bayley and William Relf both of the said County and praying the same may be Enrolled in the Secretarys and Auditor Generals Offices

Granted in the same manner as the foregoing Petitions.

At a Council held at Wilmington this 22[d] May 1740.

Present His Excellency the Governour.

The Honoble { Will Smith, Robert Halton, Nath Rice, Edward Moseley, Eleazer Allen, Roger Moor, Math Rowan, James Murray } Esq[rs] Members of Council

Read the Representation of the Honoble Nathaniel Rice Eleazer Allen Edward Moseley and Roger Moor relating to a Bill for erecting Newton into a Town by the name of Wilmington which is in the following words Viz[t]

To His Excellency Gabriel Johnston Esq[r] Governour Captain General and Commander in Chief in and over His Majestys Province of North Carolina

The Humble Representation of Nathaniel Rice Eleazer Allen Edward Moseley and Roger Moor Esq[rs] four of the members of His Majestys Council of the said Province Sheweth

That the Rights of the Council having been greatly invaded and infringed by William Smith Esq^{r} the Eldest Councillor at the last sessions of Assembly held at Newbern. We think we cannot be too early in taking the first opportunity. We have had to represent the same in Council to your Excellency as well that we may discharge our trust and duty to His Majesty as to preserve the good agreement that ought to subsist between Your Excellency and all the Members of His Majestys Council and between the Members themselves.

We therefore beg leave to represent unto your Excellency that at the last Sessions of Assembly two several Bills amongst others were presented to be passed in Council the one for appointing a Treasurer for the several Countys therein mentioned the other for erecting the Village called Newton into a Town or Townships by the name of Wilmington and when the first Bill was put [to] the question four of the Members Viz^{t} Nathaniel Rice, Eleazer Allen, Edward Moseley and Roger Moor were against the Bill and voted in the negative and four for the Bill Viz^{t} William Smith Robert Halton Mathew Rowan and James Murray and voted in the affirmative there being then an Equality of votes four being [against] the Bill and four only for it the Eldest Councellor inclusive the Bill was lost because the affirmative and negative were equal and in that case *Semper Presumitur pro negante.* But William Smith Esq^{r} the Eldest Councillor finding the Bill was lost assumed to himself a power or Privilege of giving another vote as oldest Councillor or Chairman which he was pleased to call his casting or vote and so gave two votes at one and the same time for one and the same Bill Viz^{t} one vote as a Councillor and another as eldest Councillor or Chairman. Whereupon the said four members who were against the Bill entered their Protest against the manner of passing the Bill which Protest they now lay before your Excellency.

That when the Wilmington Bill was presented to be passed the said four Members who were against the County Treasurers Bill did likewise vote against the passing the Wilmington Bill in the same manner and the other four Members voted for its passing the eldest Councillor as before inclusive and making one of that Equality so the Wilmington Bill was likewise lost for the reasons aforesaid But the eldest Councillor again assumed the like power or privilege of having two votes one as a Councillor and another as Eldest Councillor or Chairman and so gave two votes at one and the same time for one and the same Bill like as before and also Insisted that he had the right to direct how the entries should be made in the Indorsements and Journals and after this manner these two Bills were said to be carried in the upper House whereupon we

did protest both against the manner of passing the Bill and against the Bill itself for the reasons mentioned in the said protest which protests also now lay before your Excellency

We therefore beg leave to acquaint your Excellency that we look upon these proceedings of the Eldest Councillor or Chairman to be the greatest Innovation and Infringment that were ever made upon the privileges of all the rest of the Members of His Majestys Council of a dangerous tendency and destructive to the Rights both of ourselves and of all that shall succeed us seeing the exercise of such a Lawless Power may be made use of as well when there is a lesser number of His Majestys Council as when there is a greater and as well in the negative as the affirmative and which did accordingly happen at the same Session. We do conceive that such a power as this was never known to have been exercised in any of His Majesty's Plantations or Dominions for if we may be allowed to compare small things with great We may venture to affirm that the Lord Chancellor of England who is Speaker of the Lords House did never assume a power of giving one vote as a peer and another as Speaker nor did ever the Speaker of the Commons House give one vote as a Member of the House and another as Speaker or a Chairman of a Committee give one vote as a Member of that Committee and another as Chairman of the same Committee which as it never happen so it cannot happen in the present case unless it can be supposed that there may be a plurality of voices altho' there be not a Plurality of Persons

We do therefore humbly insist that the eldest Councillor has no such rights either as Eldest Councillor Chairman or President for as Eldest Councillor he can have but one Vote no more than the Youngest Councillor at the Board. If he assumes the right or Quality of a Chairman he has no right to Vote at all unless there first appear to be an Equality of Votes exclusive of the Chairman when and not before he may give his vote as a Chairman. And with regard to the presidentship. We have considered your Excellencys paper or Declaration which you were pleased on this occasion to deliver into the Council Board signifying that as You had been informed by several of the Members of His Majestys Council that upon an Equality of Votes upon any Bill treated of in that House It was contraverted [whether] the President of the Council when they sat as an upper House had the casting Vote, that Your Excellency would always reckon and look upon all votes resolutions and Bills passed in the Upper House by the decisive Vote of the President in case of equality of Votes as proper Legislative Acts of the upper House and give your Assent to such Laws as properly regularly and legally passed which Declaration your Excellency was pleased to order to be inserted

in the Journals of the Council to be transmitted home as 'tis there said to the Secretary of State and the Board of Trade. By which paper or Declaration We imagine Your Excellency pre-supposed that there was an Equality of Votes exclusive of and before it came to the President's Vote as your Excellency is pleased to direct the eldest Councillor so that either Your Excellency has been misinformed or if Your Excellency has been before rightly informed of the State of this Case then your Excellency does allow that the President (as your Excellency stiles the Eldest Councillor) has a right to vote once as a Councillor and then as President. But with all Submission to your Excellency the said William Smith Esq^{r} thō he be eldest Councillor he is not President of his Majesty's Council nor can he take upon him to act as such till by the death or absence of the Governour from this Province it devolves upon him In that case by His Majesty's Instructions he is [to] take upon him the administration of the Government and is to execute all the same powers and Authority as are given to your Excellency. He then gives the final Sanction to all Laws tendered to him to be passed by his Majesty's Council and Assembly or gives his Negative when so tendered as he sees fit and *pro hoc tempore* he ceases to Act as one of His Majestys Council and can no longer give his Note as a Councillor no more than the Governour himself so that it never can happen *uno et eodem tempore* or *uno et eodem Casu* that he can vote both as a Councillor and as President.

We are therefore sorry to find that in a matter of such importance both to your Excellency and the Council your Excellency should vouchsafe to receive your information on this occasion from some of the Members of the Council without Doors and not permit the other four Members of His Majestys Council to read or lay their Journals before you within doors which they offered to do at the time of your Excellencys delivering in the beforementioned declaration in order to sett your Excellency at rights in this matter and more especially that when one of His Majesty's Council besought Your Excellency that Your Excellency would explain yourself whether your Excellency meant the Eldest Councillor inclusive and making one of that Equality or exclusive Your Excellency should give them no other satisfaction than to return for answer that you did not come there to debate or to that purpose and then immediately withdraw.

We did further hope that tho' Your Excellency might think it not advisable to be present at the debate of Bills in the Upper House to the Intent that there might be always a full and free debate of all Bills there depending and least your Excellency's presence might be supposed to

Influence or over awe any of the Members in such their debate yet that Your Excellency would have permitted them when they desired it in Council to have given Your Excellency such Information and to have lain such matters before you with relation to the present Dispute as the Duty they owe to His Majesty and the regard they have for Your Excellency obliged them to do and likewise to indicate their rights and justify their conduct at all times when need requires it. But since we were not so fortunate as to be permitted at that time to make known these things unto your Excellency We then determined to reduce them into writing and to have layn them before Your Excellency but the Rapidity with which the Wilmington Bill went through the house the sending down that Bill to the Lower House without the knowledge of the Members of the Council that were against it the unexpected tender of the same to your Excellency to the Speaker and the Lower House for Your Excellencys Assent the Prorogation of the Assembly and your Excellency's departure for the Norward soon after prevented our doing it till now. As we have the most tender regard for your Excellencys honour We have avoided making any application or representation to the Crown on this occasion not Doubting but your Excellency without delay will do all the Justice we have reason to desire from Your Excellency. Wherefore we humbly hope your Excellency will be pleased to declare that the Eldest Councillor either as Eldest Councillor Chairman or President at no time either had hath or ought to have any more than a single vote in the passing of any Bill or Bills or any other matter debated in the Upper House of Assembly or Council and that his assuming to have a right to give one vote as a Councillor and another as eldest Councillor Chairman [or] President at one and the same time and in one and the same case is a great Innovation and Infringment on the rights of the rest of the Members of the Council and Contrary to the rule and order and that your Excellency would be pleased to cause the same to be entered on the Council Journal to prevent any further confusion before they proceed to any other Business and in regard that the before mentioned Bills did ever regularly or legally pass the Council that your Excellency would Issue your Proclamation declaring the same have not nor ought not to have the force or effect of Laws and requiring all his Majestys Subjects in this Province to pay no regard or obedience to the said Bills or either of them and that Your Excellency may be rather be induced so to do and as these Bills in truth never were passed by the Majority of the Council as they ought to have been. We think we are not too late to advise Your Excellency that in our humble opinion the Wilmington Bill is highly Detrimental to the trade and Shipping of this Province Injurious

to private property destructive to the Libertys of the Inhabitants that do at present or may hereafter reside at Newton or Wilmington and (as we conceive) contrary to many of His Majestys Instructions to Your Excellency All which We humbly beg leave to lay before Your Excellency not doubting but we shall be always found what we desire to be esteemed

May it please your Excellency Your Excellencys most faithfull Councillors and obedient humble Servants

NATH RICE	EDW^{d} MOSELEY
ELEAZER ALLEN	ROGER MOORE.

Whereupon it was Ordered That William Smith, Robert Halton, Mathew Rowan and James Murray Esq^{rs} have a Copy of the said representation delivered them and that they do on the first Tuesday in June next deliver in their answer to the same to be transmitted together with the said representation to the Board of Trade under the Seal of the Province.

Read the Petition of Robert West junior of Bertie County showing that he hath been in possession of two hundred Acres of Land lying in the said County for upwards of twenty one years adjoyning John Harwoods Line proved by the Depositions of Thomas Ashley Joseph Shilsharp and Mary his Wife and praying the same may be enrolled in the Secretary and Auditors Generals Offices

Granted in the same manner as the foregoing Petitions

At a Council held at Wilmington the 4th day of June 1740

Present His Excellency the Governour

The Honoble	W^{m} Smith	Math Rowan	Esq^{rs} Members of Council
	Nath Rice	Edw^{d} Moseley	
	Rob^{t} Halton	James Murray	

Read Sundry Petitions for Patents, Viz^{t}

Thos Clarks 320 N. Hanover, James M^{c}Lachlen 160 Bladen, Rich Lovett 855 Tyrrel, Hector M^{c}Neil 300 Bladen, Duncan Campbel 150 D^{o}, James M^{c}Alister 640 D^{o}, James M^{c}Dugald 640 D^{o}, Duncan Campbel 75 D^{o}, R^{d} Earl 108 N. Hanover, Hugh M^{c}Craine 500 Bladen, Duncan Campbel 320 D^{o}, Gilbert Pattison 640 D^{o}, Jno M^{c}Ferson 320 D^{o}, Duncan Campbel 300 D^{o}, Neil M^{c}Neil 150 D^{o}, Duncan Campbel 140 D^{o}, Jno Clark 320 D^{o}, Malcolm M^{c}Neil 320 D^{o}, Neil M^{c}Neil 400 D^{o}, Arch Bug 320 D^{o}, Duncan Campbel 640 D^{o}, Jas M^{c}Lachlen 320 D^{o}, Murdock M^{c}Braine 320 D^{o}, Jas Campbel 640 D^{o}, Patric Stewart 320 D^{o}, Arch Campely 320 D^{o}, Dan M^{c}Neil 105 D^{o}, D^{o} (400) 400 D^{o}, Neil M^{c}Neil 400 D^{o}, Duncan Campbel 320 D^{o}, Jno Martileer 160 D^{o}, Daniel

M°Neil 320 D°, W^m Stevens 300 D°, Dan M°Neil 400 D°, Jas M°Lachlen 320 D°, W^m Speir 160 Edgcombe, Jno Clayton 100 Bladen, Sam Portevint 640 N. Hanover, D° 640 D°, Charles Harrison 320 D°, Rob^t Walker 640 D°, Jas Smalwood 640 D°, Wm Faris 400 D°, D° 640 D°, D° 640 D°, Rich^d Carlton 180 Craven, Duncan Campbel 150 Bladen, Neil M°Neil 321 D°, Alex M°Key 320 D°, Henry Skibley 320 D°, Jno Owen 200 D°, Duncan Campel 400 D°, Dougal Stewart 640 D°, Arch Douglass 200 N. Hanover, James Murray 320 D°, Robt Clark 200 D°, Duncan Campbel 148 Bladen, James M°Lachlen 320 D°, Arch M°Gill 500 D°, Jno Speir 100 Edgcombe, James Fergus 640 N. Hanover, D° 640 D°, Jno Gardiner Squire 320 D°, James Hasel 640 D°, Rufus Marsden 640 D°, Hugh Blaning for Surplus Land 320 Bladen, Rob^t Hardy 400 Beaufort, W^m Jones 354 D°, D° 350 D°

Read the Petition of James Bell against John Smeal his obtaining a Grant for certain Lands on Harlow's Creek Carteret County he alledging he had possest and improved the said Land before the Date of the said Smeals Warrant

Ordered that James Bell have time till next Court to approve his Allegations.

Read the Petition of Col William Wilson for a Resurvey of his Lands opposite to Newbern town on the South side of Trent River Granted

At a Council held at the 5^th^ of June 1740

Present His Excellency the Governour

The Honoble { Nath Rice, Rob^t Halton, Eleaz^r Allen, Math Rowan, Roger Moore } Esq^rs Members of Council

Read Sundry Petitions for Patents Viz^t

Thos Armstrong 300 Bladen, D° a Resurvey of 300 D°, Alex Autray 110 Beaufort, James Brown 320 N. Hanover, Arthur Blackman 400 Craven, Owen Brady 200 Bladen, Chas Cogdale for a resurvey Onslow, Thos Clarke 400 N. Hanover, D° 320 D°, Edw^d Conner 640 Bladen, Arch Douglass 640 D°, Fran^s Davis 640 D°, Math Flood 200 Bertie, W^m Faris 200 N. Hanover, D° 400 D°, Jno Griffins 250 Edgcombe, Thos Hart 320 N. Hanover, W^m Herritage 208 Craven, Edw^d Jones 400 N. Hanover, James John 400 D°, James Innes 180 D°, D° 100 D°, W^m Jones 150 Edgcombe, Fran^s Irwin 320 N. Hanover, Godfrey Lee 640 Edgcombe, Thos. Merrick 640 N. Hanover, Thos Merrick 640 N. Hanover, Edw^d Moseley 300 D°, D° D° D°, Col M°Alister 320 Bladen, Edw^d Moseley 400 N. Hanover, Joseph Plumer 17 Bladen, W^m Speir 160 Edgcombe, Math Smylie 120 Bladen, D° 320 D°, Math Smylie 320 D°, D° 193 D°, Jno Sampson 640 N. Hanover, James Turner 500 Bertie,

John Watson 100 N. Hanover, Robt Walker 400 D°, D° 200 D°, Reuben —— 320 Bladen, James Wyat 320 Edgcombe, Robert Halton a resurvey of 360 joining Colonel Moore's lines on the Sound in N. Hanover

P. M. Present His Excellency

The Honoble { W^m Smith, Nath Rice, Robt Halton, Eleaz^r Allen, Math Rowan, Edward Moseley, Roger Moore, Jas Murray } Esq^rs Members of Council

Read the answer of the Honoble William Smith Robert Halton, Mathew Rowan and James Murray to the representation of Nath Rice Esq^r and others delivered them by an order of Council last Court which answer is in the following words viz^t

To His Excellency Gabriel Johnston Esq^r Governour Captain General and Commander in Chief in and over his Majesty's Province of North Carolina

The Humble Representation of William Smith Robt Halton Mathew Rowan and James Murray Esq^rs four of His Majestys Council Sheweth,

That in a paper Signed by Nathaniel Rice, Eleazer Allen, Edward Moseley and Roger Moor Esq^rs four of the Members of his Majestys Council and presented to Your Excellency on the 22d of May last. We find our own conduct and the Proceedings of the last sessions of Assembly so grossly misrepresented and at the same time such arbitrary and illegal measures prescribed by these Gentlemen with an air of Authority to your Excellency that Injustice to ourselves to the whole Assembly and to the rights and liberties of his Majestys Subjects in this province. We beg leave to lay our sentiments of that representation and of the conduct of the Gentlemen sign it for these several months past before your Excellency.

As their tedious account of the casting vote is but a second edition of their Protest given in at Newbern a little improved in Stile and virulence since their arrival at Cape Fear a few words will serve for an answer to it. We were then and are still of Opinion that in case of an equality of Votes there must be a decisive Vote in the first Person in the Commission and this we take to be warranted by the practice of several corporations and Societys at Home and if ever it was necessary or allowable, We do conceive it to be so in this case for as the Council has seldom or never consisted of above eight Persons with such a Vote it would be in the power of four persons to stop all manner of business and put a negative upon Governours Council and House of Burgesses

and this we look upon as an absurdity which can never take place in any constitution founded on that of Great Britain the Laws passed in this manner will be soon sent home and the minutes of Council along with them where these Gentlemens protests are fairly inserted and if there be any essential defect or any error in form no doubt proper notice of them will be taken by our Superiours at home who are the only proper Judges of this Affair and to whose decision We most willingly submit it and in our opinion these Gentlemen had acted more decently if they had followed this method than by endeavouring to raise a mighty noise and violent clamour on this Subject tho' all their Attempts that may have hitherto met with General Contempt except from a few of their dependents.

In what follows they endeavour indirectly and by innuendoes to fix the charges of partiality upon your Excellencys conduct during last Assembly and because they have used a good deal of artifice in this Matter We beg leave with great brevity to State this fact in its true light. when the first question was carried in the upper House by the casting vote of the Chairman these four Gentlemen and their adherents took great pains to insinuate that all these transactions were null and void and that your Excellency could not give your Assent to any Bills passed in this Manner and that if things were not carried according to their will and pleasure no business should be done at that Session when these reports had made considerable impressions on many Members of the lower House and very much discourged them in their endeavours to serve their Country your Excellency was pleased to come to Council (after giving Notice to the Speaker and other Members to attend which they did accordingly) and in a written paper to prevent mistakes declared by what rules you intended to regulate your conduct in passing of Laws and ordered this your declaration to be inserted in the Council Journal that if anything contained in it was either unjust or illegal it might meet with proper censure at the Offices to which these Journals are regularly sent this was in our opinion fair and open dealing and as your Excellency declared you had no intention nor pretended any right to interfere in our dispute as in Upper House We cannot see what occasion there was for hearing one or both parties as your Excellency never took upon you to judge in our affair at all so that their insinuation of your Excellency's refusing to hear both parties is very unjust this Seasonable Interposition however quieted the minds of the Burgesses and they heartily proceeded to dispatch as much business as the restless and factious intrigues of the representers and their friends would give them leave to overtake these Gentlemen seem to be highly offended with your Excellency for guarding

your expressions and so cautiously avoiding giving offence to either party. It would be extremely kind in your Excellency to do or say some thing which may afford these Gentlemen a real Subject of complaint or of writing for it seems plain to us that rather than be without any they are willing to create a Subject to themselves tho' we are very confident the whole Province will be in the opinion that it had been greatly more becoming in some of these Gentlemen especially if your Excellency had made any slip or fallen into any mistake to excuse and alleviate it rather than to rack their inventions to render criminal an action not only innocent but laudable what they assert about the irregular sending down of the Bills which were first passed is equally false and unjust when a Bill takes its rise in the House of Burgesses and is thrice read in both Houses it ought of course to be sent to the House where it took its rise and after it has been thus sent Your Excellency as Governour has undoubted right to command the Attendance of both Houses and to pass such Bills as are ready for your Assent after these three readings they can neither be altered nor detained by any set of men under pretence of forcing the Legislature to pass at the same time any other Law particularly such a righteous one as that for rating the Commoditys of this province as was intended last Sessions by these Gentlemen.

But the most shocking part of their Humble Representation is their Petition at the latter end in which they very modestly desire your Excellency to repeal the Wilmington Law by Proclamation to declare it no law and to forbid all persons to look upon it as such this is such an Insolent demand and discovers such a violent, restless and arbitrary Spirit that We are sure it will not admit of a parallel in any Province of America from the first Settlement thereof to this day. It belongs to His Majesty in Council and to him alone if there is any thing amiss in this or any other Law to declare it Null and void

What a misserable scituation would the Inhabitants of this Colony be in if Laws Read and ratifyed in open Assembly were to be declared no Laws whenever four Gentlemen shall obstenately Persist that they dont like the manner of passing them or how little must these Gentlemen be acquainted with your Excellency's great regard to his Majestys Perogative to the good of his Subjects and how much must they have forgot the remarkable Steadiness of Your Conduct but thereto to flatter themselves that to gratify the little Spleen [malice] and private Interest of a few people in the neighbourhood of Brunswick you would so far forget your self as to declare that Law null and void in Council which you have solemnly given your Assent to but three months before The very Supposing such a trifle is so great an Insult to your Excellency's Character

that We are sorry any Persons who has the Honour to Sit in his Majestys Council should be guilty of it and We are sure your Excellency has never deserved such treatment from them. We think ourselves obliged in answer to some parts of their Representation to declare unto your Excellency that We knew it to be the universal opinion of the People that the Law for making Wilmington a Town is one of the best ever passed in this Province the Depth of Water which admitts Ships of considerable Burthen the easy access to it from all parts of the Goverment except a little inconsiderable part about Brunswick its healthful Scituation and fine Springs must in a Short time make it a very considerable Town to the great advantage of the whole Province We allow indeed that the Platte below Brunswick may have two foot more water than the Banks below Wilmington, But to balance that it is notorious that Brunswick is the most sickly unhealthy place in the whole Colony. In the Short time your Excellency has been in the Government no less than three Collectors of the Customs have dyed there in that space. We cant recollect above three House Keepers who lived there at your Excellency's Arrival who are remaining in it at present some few of them indeed removed by reason (as we Suppose) of its Sickleness but the rest as far as we can Judge have been actually killed by the unwholesome Water and the Pernicious Vapours rising from the Ponds and Marshes with which it is almost Surrounded so that if there realy was anything amiss in the manner of passing this Law which we are far from admitting yet still the reason of the thing is on our side and after all the pains they have taken to place our conduct in an odious light the worst can be said of it amounts only to this that we have been guilty of a mistake a mere error in judgement which if it is reckoned such at home (as we hope will not) can be easily set rights

But as these Gentlemen have been pleased to take such Liberties with us. We hope your Excellency will excuse us if we endeavour to remind them of their own behaviour ever since the famous Period of passing the quit rent Laws when the whole province might have remained in quiet and repose if their assuming turbulent proceedings had not prevented it.

They began by issuing out their positive orders to the Naval Officer and Collector to officiate at Brunswick althō they had no more Power to direct those Officers where to keep their offices than the meanest planter in the Government has and it only belongs to your Excellency and the Surveyor General of the Customs to appoint the place of their Residence

When they found their ridiculous commands entirely disregarded and contemned they sent their Emissaries abroad to threaten that by their

mighty Interest at Home they would turn out these Officers for their contamacious behaviour it is indeed no wonder they take upon them to displace such officers as these when it is well known that it is become the jest of the whole Colony that when they meet at their little Cabals they sometimes even take the Libertys to depose Your Excellency and the Chief Justice and such Members of Council as fall under their displeasure they make short work with and this they very gravely go about with all the solemnity of Sovereign rule except the power of putting their Sentences in Execution

Their next attempt was to remove the Chief Justice appointed by His Majesty and to send for one of their own from South Carolina whose character there especially amongst those of his own profession is far from such as would recomend him to honest men after such incredible industry and art aspersed His Majestys Chief Justice by the most horrid and vile Calumnies all over the province they very confidently brought their new Judge to Newbern where the Assembly was to meet and along with him a tedious Libel of his own composing not in the least doubting but upon their signifying their Pleasure the House of Burgesses would impeach the Council condemn and in consequence of all this your Excellency suspend the Chief Justice of the Province appointed by the King to make room for one of their nomination but here again they found themselves Most miserably disappointed for the House of Burgesses of this province thō perhaps the most Jealous of all Officers and the most impatient of the least oppression of any Assembly of men in his Majestys Dominions were so sensible of that Gentleman's Integrity and faithfulness in the discharge of his Office were so fully convinced of what was at the bottom their design to put in a tool of a Chief Justice in order to get the Supreme Court of Justice and consequently the whole property of the province under their own management that after nine hours debate in the fullest House that ever was known they Rejected with great Indignation by a great Majority their infamous accusation.

Their last attempt was to pass a Bill by which all even the most cumbersome and Inconsiderable Commoditys of this Country were to [be] rated at almost double their value and delivered at such places where most of them by reason of the distance from Water Carriage could not have fetched the fourth part of their real value with these Commoditys so delivered were all past and future Debts all Publick and Parish Taxes and all Officers Fees to be paid a Law that would for ever have discouraged Strangers from trusting their effects in this province rendered the carrying on of the Government absolutely Impracticable certainly

prevented any regular Clergy from ever being Established here made the posts of every Officer good for nothing and reduced the whole Province into Anarchy and confusion and yet this unjust this wicked law so big with mischief was most strenuously voted for by three of these Gentlemen the fourth indeed as his own fees were considerably affected by it thought fit to join us in rejecting it

Upon the whole we are we are extreamly willing to submit our whole behavour to the Judgement of our Superiours at home to Your Excellency or to the Judgement of all the People and do not at all question that when it comes to [be] enquired into it will be found to be at least equally Loyal to His Majesty Dutiful to your Excellency and tender of the Rights and privileges of our fellow subjects as that of the Gentlemens who endeavoured to cast such intolerable reflections on the Conduct of the whole Legislature because they wont make and repeal Laws according to their Will and pleasure.

WILL SMITH
ROB^{t} HALTON
MATH ROWAN
JAMES MURRAY

Ordered that the name of John Swann and Jehu Davis be struck out of his Majestys Commission of the peace for New Hanover County for a refusing to act upon the tryal of a Negro and that John Sampson Esq^{r} be added to the Justices in the said Commission

Read the Petition of Cornelius Harnet Sheriff setting forth that in February last it was Ordered in Council that the sum of twelve pounds ten Shillings sterling be paid to the Sheriff of New Hanover and Chowan severally for their attendance and expences upon the Courts of Oyer and Terminer but that the said order was omitted to be entered on the Journals. He therefore prayed renewal of the said order which was Granted

Ordered that the Colony Seal be affixed to the Representation of Nathaniel Rice Esq^{r} and others in order to be sent Home.

Ordered that the Colony Seal be affixed to the Answer of William Smith Esq^{r} and others in order to be sent Home.

A Motion being made at the Council Board by Eleaze Allen Esq^{r} setting forth that Richard Lovet Clerk of the upper House refused to deliver Copies to the Members of Council of the proceedings in the upper House of Assembly

Ordered that the said Lovet for the future deliver Copys of the proceedings of the said upper House to any Members of his Majestys Council when they demand the same and attest the same under his hand.

At a Council held at the Council Chamber in Edenton the 11th day of July, 1740

Present His Excellency Gabriel Johnston Esqr Governour &c

The Honoble { Will Smith, Robt Halton, Cullen Pollock } Esqrs Members of Council

It is duly considered and ordered that a proclamation issue to call the several Members of his Majestys Council and also the Several Burgesses of this province together to meet in General Assembly at Edenton the thirty first day of this Instant July which said Proclamation follows in these words Vizt

NORTH CAROLINA—ss.

By his Excellency the Governour in Council

A Proclamation

Whereas his sacred Majesty hath signifyed to me his Royal Intentions to attack some of the most considerable places belonging to the King of Spain in America with design to procure satisfaction to his trading Subjects in America and elsewhere for the many Injuries to them done by the Spaniards and reparation for the losses by them sustained for several years past by the Violent and unjust proceedings of that nation in the American Seas and whereas his Majesty relying upon the zeal of his Subjects of this Province for the promoting his royal Intentions aforesaid hath commanded me Immediately to lay before the General Assembly of this province several of his royal Instructions for the expediting the said design And whereas the said gracious design is immediately to be put in Execution which may be considerably impeded unless the General Assembly of this Province be as soon as possible convened

I do therefore by and with the advice and assent of His Majestys Council command the several Members of his Majestys Council and the several Burgesses of the General Assembly to meet together in General Assembly at Edenton on Thursday the 31st day of July Instant then and there to consult and advise concerning the arduous affairs of this province. Given at the Council Chamber in Edenton the 11th day of July 1740 GAB: JOHNSTON.

At a Council held at Edenton August 24th 1740

Ordered that a Proclamation issue commanding the several Sheriffs, Treasurers and others concerned with the public money of this Province to finish their collections on or before the 10th day of February next

ensuing and to appear at the next Sessions of Assembly to [be] begun and held at Edenton the 24th day of next February in order to have their Accounts examined and past

By Order NATH RICE C C

[B. P. R. O. North Carolina. B. T. Vol. 11. B. 49.]

My Lords [of the Board of Trade]

The Rights of the Council here having been greatly invaded and infringed by Willm Smith Esqre the eldest Councillor his lately assuming to himself a power or priviledge of giving a double vote on passing of severall Bills in Council (viz.)

The one for appointing a County Treasurer for the severall Countys therein mentioned and the other for erecting a village called New Town into a Town or Township by the name of Wilmington four of the Members of Council (viz) Nathaniel Rice, Eleazar Allen, Edward Moseley and Roger Moore Esqrs did in a most dutiful manner represent the same to his Excellency in writing in order to put a stop to such an Innovation not doubting but his Excellency would have done us all the Justice we had reason to desire but to our great surprise we could obtain no manner of satisfaction save only an order for *Mr Smith* and those of the Council who joined in supporting him in the exercise of that Power viz: Robert Halton Mathew Rowan and James Murray Esqrs to make an answer to our Representation, but these Gentlemen instead of such answer put in a counter representation altogether evasive and forreign to the matter in dispute containing nothing but invectives and unjust reflections in order to asperse our characters and to render us suspected to your Lordships as persons of Turbulent dispositions disquieting the minds of his Majestys subjects and perplexing his Majesty's Government here.

We therefore did not think fit to make any reply thereto seeing that to reply to such new matters as have no relation to the point in dispute would be to multiply papers without end.

But in as much as we have the Honour of serving His Majesty in Council and two of us likewise as officers of the Crown We humbly beg leave to vindicate ourselves to your Lordships from those unjust charges and recriminations lest our being totally silent may give some occasion to believe we are not altogether innocent of the matters charged against us.

As our Representation will in due time come under your Lordships consideration we shall beg leave to refer your Lordships thereto and con-

fine ourselves only to answer such matters as are laid against us in their counter Representation.

The first charge is that "These four Gentlemen and their adherents took great pains to insinuate that all these transactions were null and void (meaning passing two Laws by Mr Smiths double or decisive vote) and that his Excellency could not give his assent to any Bills past in that manner and that if things were not carryed on according to our will and pleasure no business should be done at that session.

To this we answer and confess we did not only insinuate but openly as well within Doors as without protest against the passing these two Laws in the manner they were carryed at the Council Board and gave our reasons for so doing not in a secret and clandestine way but in the face of the whole Province and this we humbly conceive we might lawfully do and what the station we were in required of us—We were likewise then and are still of opinion that his Excellency could not assent to the two Laws in dispute because we apprehended he could not do it legally however we might find ourselves mistaken as to this point. The latter part of this charge we utterly deny, nor is it at all probable that four members of Council out of eight who it is plain had not interest enough to put a stop to the progress of a Bill which they apprehended to be an encouragement to Frauds detrimental to Trade and prejudicial to many private propertys should insinuate they were able to obstruct all business of that sessions, nor was it our Interest or Inclination to do so.

The next thing we were charged with is no less than making an insolent demand to his Excellency in our representation by desiring him to repeal the Wilmington Law by proclamation thereby discovering a violent restless and arbitrary spirit &c:

To this we answer, that we humbly conceive we had a Right as subjects of the Crown of Great Britain to Petition his Excellency in humble manner for the redress of any grievance whatsoever. And as Councillors it was our Duty to represent to him such matters of Fact as seemed to us distructive of the peace and tranquility of his Government and to advice him in what manner affairs of this nature and consequence might be rectified.

And althō our demand (as they are pleased to call it) is by them termed insolent, yet we hope it will appear to your Lordships we could not do less than make it part of our request that as those bills were never regularly or legally past the Council that he would notifie the same by his proclamation to all his Majesty's subjects in this Colony, to the intent that no person might exact obedience to Laws which had no Entity, but not to repeal a Law by proclamation which had regularly past as they

suggest, and which we know very well a Governor has no power to do. Besides we could not, we were not at Liberty to suppose his Excellency would have ventured to give his assent to Laws passt in Council after this manner if he had been rightly informed of the state of the matter at the time it happened much less could we imagine he would go about to deceive the secretary of State &c: Your Lordships by an ambiguous declaration (which seems to insinuate as if there had been an equality of votes exclusive of the eldest Councillor when in truth there was not) so that we hope our representation will appear to your Lordships to be no more than an attempt to undeceive his Excellency in a matter of consequence we conceived to have been misrepresented to him and to desire he would be pleased to put a stop to the effects of such misrepresentations.

The next charge is our issuing possitive orders to the Collector and naval officer to officiate at Brunswick.

This charge if proved would indeed be justly deemed insolent, and arbitrary, it is against us all thō one of us was absent in New England at the time this pretended order was given.

To explain this matter we beg leave to make known to your Lordships that his Excellency having thought proper (before passing the Wilmington Law) to remove the naval officer from Brunswick the Port nominated by the Hon^{ble} the Commissioners of the Customs for the Entry and clearance of Vessels and where the officers were ordered and did usually reside to the Town of New Town now called Wilmington about fifteen miles above and where no vessels of any large Tonnage can go without hazard. This removal was deemed a great hardship and imposition on the Trade of Cape Fear River, as it obliged the several masters of vessels to perform what in some places was not practicable or render their vessels liable to confiscation—A Gentleman one of the four who had some Interest in Trade having a vessel to clear for Great Britain did upon this removal and without the knowledge or privity of the rest write the following letters to M^{r} Murray a shop keeper and naval officer now one of the Council

BRUNSWICK Nov: 3^{d} 1739.

M^{r} Murray.

SIR

I being informed by the Deputy Collector here that you do now act as Naval Officer, and as the snow Henry and Mary bound for Hull now lyes at the Port of Brunswick only for her clearance desire youle come down and clear her unless the Commissioners of his Majesty's Customs have been pleased to direct that office to be removed up the river, that

distance from the shipping, and if that be the case beg youle be so good to inform me by a line and then I shall readily wait on you

I am Sir your humble servant

ROGER MOORE.

To which Mr Murray returned an answer as follows.

NEWTOWN 24th Novemb: 1739.

SIR

I received your letter desiring me as Deputy Naval Officer to come down to Brunswick to clear out the Henry and Mary of Hull I am to inform you that his Excellency has appointed me principal Naval Officer of this Port with orders to reside here and he bids me tell you that if either you think his Majesty's revenue, or the Interest of the Country is injured thereby you may represent it to the Lords of the Treasury of the Commissioners of the Customs who no doubt will give proper orders thereupon. I am Sir your very humble servant

JAMES MURRAY.

In consequence of this letter Mr Moore did protest in form against the said Mr Murray and since sent home to the Honble the Commissioners of the Customs a Representation setting forth the great hardships and inconveniences laid on Trade by the removal of the naval office so far from the port by them established, and this signed by every master of a vessel then in port and for some time since who tis presumed will be thought proper Judges of the scituation of both places so far as relates to Trade and Commerce.

And whether this removal of the offices may not open a large Gap for the breach of the Laws of Trade the Honble Commissioners themselves will best judge when they shall be fully apprized of the matter.

This proceeding is what they are pleased to call issuing possitive orders to the Naval Officer and Collector to officiate at Brunswick, rediculous commands &c: how they have proved it any further than by their assertion remains still a Question.

The latter part of this charge of saying by our Emissarys we would turn out the Officers, his Excellency and Members of Council &c: requires no other answer than that we absolutely deny any part thereof.

Another charge against us is our attempt to remove (him) the Chief Justice appointed by his Majesty and to send for one of our own from South Carolina &c:

We are sorry Mr Smith should put, us under the necessity of saying anything on this head so forreign to the matter complained of in our repre-

sentation and to object it as a crime to endeavour to remove a person who by his behaviour had rendered himself so obnoxious to the people.

We do admit that several articles were exhibited to the Assembly against M^{r} Chief Justice Smith by several of the members occasioned by several complaints of divers persons who it was said he had greatly injured in their Liberty, Fortunes and Characters.

These articles were indeed of a most henious nature charging him in general with endeavouring in a most violent, arbitrary and illegal manner to subvert both the Laws of Great Britain and of this Province made for the preservation of the lives and estates of the people here and particularly that for divers years last past and contrary to the practice of all former Judges and contrary to the laws of this Province made for drawing of Jurors by ballot both in civil and criminal cases and in manifest violation of his oath which he took at entering into his Office, for the due observance of the ballotting law in particular, he had called Jurors to be summoned by venire without drawing the said Jurors by way of Lott or ballott before the venire issued, or after they were summoned and returned, as by the act was required, by means of which illegal proceedings of the said Chief Justice all the care taken by the Legislature for preventing corruption of Officers in packing of Jurors were intirely obstructed and defeated, divers criminals had been illegally convicted, condemned and executed all Judgements in civil causes liable to be revers't and the lives, libertys and propertys of his Majesty's subjects in this Province continually exposed to much hazard and danger.

With assuming to himself an equall power and authority of his Majesty's Court of Kings Bench at Westminster when criminals were convicted of capital offences and causing execution to be done on the bodys of such offenders by his own orders or rules of Court or precept, thereby depriving his Excellency of all opportunityes of extending his Majesty's Grace and Pardon to such persons as might happen to be real objects of Mercy which his Excellency is impowered to do by his Majestys Instructions and Commission.

With imposing excessive fines on trivial and light occasions and which indeed in themselves were no offences at all, and fineing people absent without ever being heard or called to answer by due process of Law.

With great extortions and exactions in taking exhorbitant fees three times more than was allowed by law and taking and extorting extravagant fees in criminal cases were none at all were due, giving divers instances in perticular of such extortions.

With extorting these fees in civil cases over again in one and the same cause from the same persons after they have been paid to his clerk and sometimes to himself.

Promoting of suits and ordering a Writ to be filled up without the knowledge of the Plaintiff or his Attorney against any person under his displeasure.

Issuing executions without the request of either of the partys to the suits or their attorneys and concluding

That these articles were but a few instances of many of the Chief Justice his violent illegal and arbitrary proceedings for that his exactions and extortions were more burthensome than the general tax of the whole Country that every Court of the province was filled with his oppressions and that the people cry'd aloud for Justice at his Excellency's hands.

These articles being read in the house of Burgesses and proofs offered to be made of them all if the House would allow a competent time. M^{r} Smith had interest enough with the Members either by promises or threats, to get it limitted to three days thō some of them were of such a nature as not to be clearly proved without sending at least one hundred miles for persons papers and records which could not possibly be done within the time, however short as it was, the most of them we are told were made good by the time appointed and supported by plain and undeniable evidence notwithstanding which one of his friends moved that the articles might be declared false and scandalous, and another that they might be rejected, both of which motions were disagreed to and what M^{r} Smith is pleased to call rejecting them with indignation amounts to no more than a vote that the evidence then produced was not sufficient to induce the House to address his Excellency against M^{r} Smith.

But as to the charge of our endeavouring to remove him from his office we utterly deny to be true not that we were ignorant of the clamours of the people and their just reason of complaint but as we apprehended these complaints might one day come before us in Council we industriously avoided any manner of concern therein, the contrary of which lyes upon M^{r} Smith to prove since he has asserted it.

The last charge against us is an attempt to pass a Bill by which even the most cumbersome and inconsiderable commodities were to be rated at double their value for the payment of Officers fees, Parish Taxes &c. with the train of ill consequences attending it.

To this we answer That such a Bill was sent to the Council from the House of Burgesses and in both Houses had two readings is certain and as it was first conceived liable to many and great objections. However bad as it was there is very little difficulty we apprehend in proving that this very Bill was promised by M^{r} Smith as far as in himself to be passt by way of retalliation for the services to be done him with regard to the articles above mentioned and it is notorious that one Hunter a Member

of the House of Burgesses on whom Mr Smith did chiefly depend for that service first brought this Bill into the House the commodities innumerated and the prices they were to be paid at in his own hand writing. But be this point as it will we conceive we had a right to vote for or against a Bill according to the best of our Judgement, and this, if it had received a third reading, might have been so amended as to have become serviceable to the people of the province and no injury to any person in it for which we humbly beg leave to offer our reasons the better to exculpate us from this extraordinary charge.

The paper currency of this Province at present consists of £52500, £40000 of which was issued in the year 1729 to be let out to Interest by the publick at such rates as that the whole would sink in fifteen years; The rest issued in the present Governours time (viz:) March 1734 to be sunk by annual Taxes for five years and the aid of a Deputy on Liquors which has never yet been complyed with althō the time is expired. But the money arising (thō applyed by law to this use) continually diverted to other purposes, and it seems it was thought necessary at this juncture to break thrō the only Law of that nature which remained unviolated, by making use of the interest of the money due by Law of 1729 to the payment of the Wages of the Assembly and to forbid the application of it to any other use, as by the Law itself may appear and this at a time when it might be reasonably hoped the Bills might grow in value in proportion as they had fallen; As the period for their being sunk by the Law for their emission approached; At a time likewise when the Governour here had but lately received orders to transmit to your Lordships Board a state of the Paper Currency of this Province the Several Laws by which it was emitted and how those Laws had been complyed with, which we shall not presume to animadvert upon but leave to your Lordships consideration.

By these notorious breaches of the publick Faith it is evident that the Bills now subsisting must inevitably fall even below the present valuation of ten for one sterling and in all probability continue falling till at last they may be reduced to no greater a value than so much wast paper whereby the persons who shall be so unhappy as to be creditors to the publick at the expiration of the time will run the risk of being defrauded of every penny they shall be possesst of must of consequence affect all publick Officers in their Sallerys and Fees and in the end reduce the affairs of the whole province into confusion.

It was indeed matter of surprize to us when we heard his Excellency intended to give his assent to the last mentioned Law which naturally led us (who had a share in the Legislature) to propose some method to

remedy this great evil and althō we had not the least share in framing the Bill which is the subject of this charge, yet we were willing to lay hold of it at this juncture and by amending it, endeavour to fix the publick payments at one certain and determinate value which for want of Gold and Silver, could not be done any other way than by applying some of our most valuable commodities such as, Tobacco, Hemp, Flax, Deer skins to this purpose and retaining them at such a reasonable value as to answer the end proposed according to the practice of our neighbouring Collony Virginia.

This my Lords was what we contended for and this is what the Gentlemen are pleased to call the unjust and wicked Law which we attempted to pass. An attempt we humbly hope will appear to your Lordships to be no other than an endeavour as far as in us lay to secure the Province from some of the ill consequences that naturally flow from this strange violation of the publick faith.

And here we must beg leave to observe that the only Law past in this hasty session of Assembly were the two extraordinary ones which occassioned this trouble to your Lordships. That for diverting the fund for sinking the Currency and one or two more of no great moment notwithstanding A Bill for regulating the Militia of the Province of the last consequence at this time of an approaching war) had received two readings in each house and would have passt nemine contradicente had not his Excellency prorogued the Assembly imediately after giving his assent to these before mentioned, by which means Cape Fear River a part of the Province the most exposed to the insults of an enemy is for want of such a regulation left entirely defenceless his Excellency having never yet appointed any Officers for that part of the Province under pretence that for want of a Militia law such an appointment would be useless.

It has been the misfortune of this Province for some time past to lye under the character of a restless, factious, turbulent people, and as such to be represented at the several Boards at home It is this consideration we imagine has induced M^{r} Smith and his Associates to this very odd method of vindication and by mixing and involving our character with that unhappy one of the Province to render our representation in England of no weight.

In this case my Lords we hope we may without breach of modesty be permitted to say something for ourselves. That we are by no means that sort of men they would insinuate us to be, but that our Loyalty to his Majesty Zeal for his service and submission to his Government is equal to any of his subjects, we are none of us natives of the Province or except one, have lived in it any considerable time our fortunes brought into it

and what we now possess much superior to those of the Gentlemen who have been pleased to take such Libértys with us and of value enough to engage us to take care by all lawfull means that they be not torn from us by a powerfull faction under colour of Laws passt in oposition to the constant Practice of the Parliament of Great Britain in such cases, to which we are allowed to assimilate ourselves as near as the circumstances of the Province will permit. All which is humbly submitted to your Lordships consideration by My Lords your, &c.,

NATH: RICE. E. MOSELEY.
ELEAZAL ALLEN. R. MOORE.

North Carolina Cape Fear River July 3d 1740.

(Endorsed)

Memorial from four Gentlemen of the Council in North Carolina to the Board of Trade, dated at Cape Fear River July 3d 1740—Complaining of Mr Smith the Eldest Councillor and three other Members of that Board, who join in supporting him in the exercise of a power, whereby the Rights of the Council there have been invaded and infringed.

[B. P. R. O. Am: & W. Ind: Vols. 23. & 25. A.]

LEGISLATIVE JOURNALS.

North Carolina—ss.

Att a General Assembly begun and held at Newbern on Tuesday the fifth day of February, in the year of our Lord one thousand seven hundred and thirty nine, [1740] and in the twelfth year of the reign of our sovereign Lord George the Second, and continued by prorogation, until the seventh of this instant.

Thursday the 7th [February 1740]

Present the honble William Smith Esqre President.

The Honoble	Nath Rice	Math: Rowan	Esqrs Members of the Upper House
	Robt Halton	Edwd Moseley	
	Eleaz: Allen	Roger Moore	

Then the House was pleased to appoint Robert Halton and Mathew Rowan Esqrs Members of this Board, to administer the oaths by Law appointed, for the qualification of Publick officers to the several Members of the House of Burgesses.

Then his Excellency came to the House, and was pleased to command the immediate attendance of the Lower House in the Council Chamber. Who accordingly came.

Then His Excellency was pleased to direct them to repair to their House and choose them a Speaker—& accordingly they departed, Whereupon they returned and acquainted his Excellency that they had chose John Hodgson Esq^re^ their Speaker And presented him to his Excellency for his approbation.

Then his Excellency was pleased to make the following Speech to both Houses viz^t^

GENTLEMEN OF HIS MAJESTIE'S COUNCIL AND OF THE HOUSE OF BURGESSES.

I have in former Assemblys frequently expressed my sentiments relating to publick affairs of this Province, that I look upon it superfluous at this time to trouble you with a repetition of them, only as there is at present the great appearance of a war breaking out in Europe, I cannot help once more reminding you how absolutely and necessary it is to revise and reform your Militia Law and take the proper precautions for putting such parts of your Coasts as are most liable to be insulted or attacked in a posture of defence.

Since our last meeting here I have been obliged to travel through a great part of the Province and I cannot conceal from you Gentlemen the many complaints I have met with in every place of their wanting Copys of the Laws, Majistrates were at a loss how to decide controversies which arose amongst his Majestie's subjects, and even private persons, who were willing to pay the taxes were puzzled in what manner and at what time to comply with the Law, there is very little diference Gentlemen betwixt having no Laws at all and living under such as are impossible to be come at, and are never promulgated in an authentik manner.

If your Committee appointed to revise your Laws, have done their duty in any tolerable manner I am persuaded you will lose no time to relieve the Inhabitants you represent from so terrible a misfortune, but I must acquaint you that as in this so in a great many other branches of the Publick service everything is at a stand, for want of proper funds to defray the necessary charges.

I heartily wish Gentlemen you would take this into your serious consideration, thus far I am of opinion that no Colony under His Majesty's Dominions, has so much encouragement as this, to raise the necessary supplies, for the publick service, neither Governor nor any other publick Officer make any demands on the Publick for their private accounts you may appropriate the sums you raise by the strictest Clauses you can invent, the Sherifs, Receivers and every person concerned in collecting the Publick Revenues are of your own chuseing or recommending and

are accountable to you, so that there is a moral certainty, that the money raised by any Law you pass, must be applyed according to the intention of that Law. In such a scituation as this Gentlemen if anything necessary for the Publick good, is prevented for want of proper Provisions to pay the reasonable charges which attend, it is easy to see where the blame will lye, for my own part I dont in the least doubt from your behaviour last Session but this Assembly will, to the utmost of their power and as far as the circumstances of the People will admit, provide in a suitable manner for every Publick expence.

I must recommend to your consideration the many notorious abuses, which attend the present method of granting Licences for Marriages and Ordinarie Keepers. I find myself very much at a loss, how to prevent them in a legale manner, and mention it more willingly because all these abuses may be prevented without any loss of time, by putting those Licences on the same reasonable footing here, as they are in most of our neighbouring Colonys.

I must not omit to inform you Gentlemen, that the French and Spaniards have taken of late uncommon pains to debauch all the friendly Indians who live in the neighbourhood of His Majestie's Dominions, and all over America, from their friendship and alliance with his subjects, what success, they may have met with in their Intreguies I am not sufficiently apprized of.

But as I found our Indians last summer highly discontented and even threatening to leave the province because they are not allowed to hunt within the Settlements I cannot forbear desireing you to consider what mischievous consequences might happen, if these people who know the most secret and shortest avenues in the very heart of the Country. should be seduced by, or joyn any foreign Indians, I've ordered his Majestie's Instruction to me, relating to those people, to be laid before you and shall be glad of your advice and assistance how to execute it in the most effectual manner.

Mr Speaker & Gentlemen of the House of Burgesses

I am confident you must have taken notice of the good effects of the wise and moderate Councils which prevailed during your last Session, and tho' matters were far from being brought to that perfection which every good man and lover of his Country could wish, yet you must observe, more harmony and tranquility & Publick business carried on with more decency in this Province, within these few months than has been known of many years before.

Those main points which were the unhappy occasions of our former difference, are now adjusted to the mutual satisfaction of both parties,

but yet there remains a great deal to be done to put this Colony on the same regular and orderly footing as the rest of his Majestie's Dominions, on the Contenent and it will be impossible to succeed in your endeavours this way unless, laying aside all former prejudices and Animosities, all names of partyes and distinction you joyn cordially and unanimously to promote the publick good to supply what is wanting in your Laws, and remove everything that is amiss, I hope to have the pleasure of congratulating you at the end of the Session on your proceeding in this manner and you may depend on my hearty & sincere concurrance and assent to every measure which has the least tendency to the Peace and Prosperity of the Province.

These Gentlemen are the points I intended to recommend to the last Assembly, if its meeting had not been prevented by Accidents verry well known to you all, and as the circumstances of this Province are pretty much the same now, as they were then, I think it my duty to lay the same things before you with this addition that by late Advices which I have very lately received from Great Britain, there appears still the great necessity for reviseing your Laws and putting them in proper order.

Then the House was pleased to order his Excellency's Speech to be read.

And accordingly the same was read.

And the House Thereupon appointed Eleaz: Allen & Edward Moseley Esq^{rs} a Committee to answer his Exce$^{lly's}$ speech.

And then adjourned until to morrow morning ten o' the clock.

Fryday the eighth. The House met according to Adjournment.

Present The hon^{ble} William Smith Esq^{re} President

The honorable	Nath: Rice	Math: Rowan	Esq^{rs} Members.
	Rob^{t} Halton	Edward Moseley	
	Eleaz^{r} Allen	Roger Moor	

M^{r} Allen from the Committee appointed to answer his Excellency's speech, Reported the same which was read in these words

To His Excellency Gabriel Johnston Esq^{re} Captain General and Governor in Chief in and over His Maj^{ties} Province of North Carolina.

The humble Address of the Members of His Maj^{ties} Council of North Carolina Now met in General Assembly.

May it please your Excellency,

We the Members of His Majestie's Council for this Province Now met in General Assembly, take this occasion to return your Excellency our thanks for the Speech you were pleased to make to both Houses at the beginning of this Session.

The many and just observations you have made on the present circumstances of the Province and the Evils you have pointed out, as proper subjects for the consideration of this Assembly to be redressed, and the manner in which you have been pleased to suggest such a redress are to us convincing proofs how much you have the Interest of it at heart. We therefore beg leave to assure your Excellency of our sincere and hearty concurrance in promoting all the good ends and proposals you have so warmly recommended that peace and tranquility may reign amongst us and your Excellency's Administration be rendered happy and easy.

Which was approved of and Ordered to be Engrossed.

Then the House appointed the hon^{ble} Edward Moseley and Roger Moor Esq^{rs} to wait upon his Excellency to know when they should attend upon him with their Address.

Who immediately returned and acquainted the House that his Excellency's Answer was As soon as they were ready.

Whereupon the House in a full body waited upon his Excellency and presented their Address.

And in a short time returned to their House again.

Then the House adjourned until three o' the clock in the afternoon.

Post Merid^{n} The House met according to Adjournment.

Present The hon^{ble} William Smith Esq^{re} President.

The hon^{ble} { Nath: Rice, Math: Rowan; Rob^{t} Halton, Edw^{d} Moseley; Eleaz: Allen, Roger Moor. } Esq^{rs} Members.

M^{r} M. Moor & M^{r} Montgomery Brought up the two following Bills

A Bill for an Act for the better observing and keeping the Lords day the thirtieth of January the twenty second of September, the twenty ninth of May and for the more effectual suppressing of Vice and Immorality.

A Bill for an Act for establishing the Church for appointing Parishes, and select Vestrys and for directing the settlement of Parish accounts thro'out this Government.

In the Lower House Read said Bills the first time & passed. Then the House adjourned until to morrow morning 10. o' the Clock.

Saturday the Ninth. The House met according to Adjournment.

Present The hon^{ble} William Smith Esq^{re} President.

The hon^{ble} { Nath: Rice, Math: Rowan; Rob^{t} Halton, Edw^{d} Moseley; Eleaz: Allen, Roger Moor } Esq^{rs} Members.

The Bill for the better observation of the Lord's day.

The Bill for establishing the church.

Read the first time & passed with Amendments. Then the House adjourned until three o' the clock in the afternoon.

Post Merid^{n} The House met according to Adjournment.
Present The hon^{ble} William Smith Esq^{re} President.
The hon^{ble} { Eleaz: Allen Edw^{d} Moseley / Roger Moor. } Esq^{rs} Members.
And adjourned until Monday morning ten o' the clock.

Monday the eleventh. The House met according to Adjournment.
Present
The hon^{ble} { Eleaz: Allen Edw^{d} Moseley / Roger Moor } Esq^{rs} Members.
And adjourned until three o' the clock in the afternoon.

Post Merid^{n}. The House met according to Adjournment.
Present.
The hon^{ble} { Rob^{t} Halton Eleaz: Allen / Edw^{d} Moseley } Esq^{rs} Members
And adjourned until to morrow morning ten o' the clock.

Tuesday the Twelfth. The House met according to Adjournment.
Present
The hon^{ble} { Eleaz: Allen Edw^{d} Moseley / Roger Moore } Esq^{rs} Members.
M^{r} Blackhall & M^{r} Peyton Brought up the following Bills.
A Bill for an Act to appoint Constables
A Bill for regulating Ordinarys & restraining Typlin Houses.
A Bill appointing Coroners in every County of this Government and declareing the duty of said Office.
A Bill for registring of Christnings, Marriages, & Burials, and prohibbiting private burials.
A Bill concerning Marriages.
In the Lower House Read said Bills the first time and passed.
Then the House adjourned untill three o' the clock in the afternoon.

Post Merid^{n} The House met according to Adjournment.
Present
The hon^{ble} { Nath: Rice Math: Rowan / Rob^{t} Halton Edw^{d} Moseley / Eleaz: Allen Roger Moor. } Esq^{rs} Members.
Sir Rich^{d} Everard, & M^{r} Blount Brought up the following Bills
A bill for an Act to prevent the taking of boats, Canoes, Perryagures &c.

A Bill for an Act to prevent the abuse of Lawyers &c.

A Bill concerning Weights and Measures.

In the Lower House Read said Bills the first time and passed.

The three following Messages brought up with the said Bills viz^{t}

MAY IT PLEASE YOUR HON^{rs}

We have appointed a Committee for the publick claimes of the following persons, M^{r} George Roberts, M^{r} John Swan, M^{r} Abraham Blackhall, M^{r} John Starky, and M^{r} Samuell Sinclare, to joyn such Members of your House as you shall think fit to appoint.

MAY IT PLEASE YOUR HON^{rs}

We have appointed Sir Richard Everard Bar^{t}, M^{r} M^{c}Rora Scarbrough and Col: Benjamin Hill, to joyn such Members of your House as your Honours shall appoint to examine and settle the Publick Accounts.

MAY IT PLEASE YOUR HON^{rs}

We have appointed a Committee to enquire into the state of the Currency of this Province and to consider proper methods to raise the value thereof, of the following persons viz^{t} Sir Richard Everard, Col: Benjamin Hill, M^{r} John Blount and M^{r} George Roberts to joyn such Members of your House as your Honours shall think fit to appoint.

On reading the before mentioned Messages the House appointed Eleaz: Allen and Edw^{d} Moseley Esq^{rs} to joyn the Committee of the Lower House upon the Publick Accounts and Robert Halton and Mathew Rowan Esq^{rs} upon the publick claims.

The Bill to prevent the abuse of Lawyers &c.

The Bill concerning Weights and Measures.

The Bill to prevent the taking of boats &c.

Read the first time and passed with Amendments.

Then the House adjourned untill tomorrow morning ten o' the clock.

Wednesday the Thirteenth The House met according to Adjournment.

Present

The hon^{ble} { Rob^{t} Halton, Eleaz: Allen, Math: Rowan, Edw^{d} Moseley, Roger Moor } Esq^{rs} Members

And adjourned untill three o' the clock in the afternoon

Post Merid^{n} The House met according to Adjournment.

Present

The hon^{ble} { Nath: Rice, Eleaz: Allen, Edw^{d} Moseley, Roger Moor } Esq^{rs} Members

And adjourned untill to morrow morning ten o' the clock.

Thursday the Fourteenth. The House met according to Adjournment.

Present

The hon^{ble} { Nath: Rice, Edw^{d} Moseley; Eleaz: Allen, Roger Moor } Esq^{rs} Members.

And adjourned untill to morrow morning ten o' the clock.

Friday the Fifteenth. The House met according to Adjournment.

Present

The hon^{ble} { Nath: Rice, Edw^{d} Moseley; Eleaz: Allen, Roger Moor } Esq^{rs} Members.

M^{r} Hunter & M^{r} John Swan Brought up the following Bills viz^{t}

A Bill concerning servants and slaves.

A Bill for regulating the Militia.

A Bill for the encouragement of building Mills.

A Bill for assertaining the damages on protested Bills of Exchange.

A Bill concerning the qualification of Publick Officers.

A Bill appointing a Treasurer for the several Countys therein mentioned.

A Bill for ascertaining the guage of Barrells, and for appointing packers.

A Bill prescribeing the method of proveing Book debts.

In the Lower House Read said Bills the first time and passed.

Then the House adjourned untill to morrow morning Ten o' the clock.

Saturday the sixteenth. The House met according to Adjournment.

Present The hon^{ble} William Smith Esq^{re} President.

The hon^{ble} { Nath: Rice, Eleaz: Allen; Rob^{t} Halton, Edw^{d} Moseley; Roger Moor } Esq^{rs} Members.

The Treasurers Bill Read the first time and passed.

Then this House taking into consideration that part of his Excellency's Speech to both Houses, at the beginning of this Session wherein he is pleased to recommend, the absolute necessity, of reviseing and reforming the Militia Law, and to take proper precautions for putting such parts of the Coast as are lyable to be insulted or attacked, in a posture of defence.

Resolved that it is the opinion of this Board that the mouth of Cape Fear river being the Southermost navigable Inlet in this Province is from its scituation, depth of water and other conveniences for shipping lyable to the Insults of a foreign Enemy.

That the said River is at present entirely defenceless and that the Estates and Propertyes of His Majestye's Subjects (especially of those

inhabiting the lower parts thereof) are in great danger of being attacked, and their Slaves & other goods, carryed off by the smallest invader.

Resolved that an humble address of this Board be presented to his Excellency that he would be pleased to use his interest at home, with the Lords of the Admiralty, or by any other ways, that a Man of war may be stationed at Cape Fear River for the security of the propertyes of his Majestie's Subjects, The trade thereof chiefly consisting of Naval stores, and that a Copy of these Resolves, be likewise delivered to his Excellency, to be transmitted by him as he shall think proper to render it most useful.

Then the House was pleased to appoint Eleaz: Allen and Edward Moseley Esq^{rs} a Committee to draw up the said Address and Report the same to the House.

The Militia Bill

The Bill prescribeing the method of proveing Book debts.

The Bill restraining Tiplin Houses.

The Bill appointing Constables.

Read said Bills the first time and passed with Amendments.

Then the House adjourned untill Monday morning Ten o' the clock.

Monday the Eighteenth The House met according to Adjournment.

Present The hon^{ble} William Smith Esq^{re} President.

The hon^{ble} { Nath: Rice, Math: Rowan, Eleaz: Allen, Edw^{d} Moseley, Roger Moor } Esq^{rs} Members.

And adjourned untill three o' the clock in the afternoon.

Post Merid^{n} The House met according to Adjournment.

Present The hon^{ble} William Smith Esq^{re} President.

The hon^{ble} { Eleaz: Allen, Edw^{d} Moseley, Roger Moor } Esq^{rs} Members.

M^{r} Castellaw & M^{r} Starky Brought up the following Bills viz^{t}

The Bill concerning Weights and Measures

The Bill for ascertaining the allowance of his Majestie's Council and Member of Assembly.

The Treasurers Bill.

The Bill for regulating Ordinaries

The Bill for Prescribeing the method of proveing Book debts.

In the Lower House, Read the second time and passed with amendments.

A bill for building a Court House and Prison in Chowan County.

In the Lower House. Read the first time & passed.

Also brought up the Petition of several of the Inhabitants of Bertie County, referr'd to this House by the Lower House Regarding the Ware house now appointed at Samuel Buxton's for receipt of His Majesty's Quit Rents being inconveniently scituated, Prayes it may be removed to Robert Harrises landing.

The Petition of several of the Upper Inhabitants of Edgecombe referred as aforesaid Regarding the Ware house now appointed, at John Pratt's for receipt of his Majestie's Quit Rents, being inconveniently scituated—Prays it may be removed to Marmaduke Kimbroughs, near the falls of Miratuck River.

Then the House adjourned until to morrow morning ten of the clock.

Tuesday the Nineteenth The House met according to Adjournment.
Present The hon^ble William Smith Esq^re President.

The hon^ble { Nath: Rice, Math: Rowan; Rob^t Halton, Edw^d Moseley; Eleaz: Allen, Roger Moor; James Murray } Esq^rs Members

Eleazer Allen Esq^re one of the Committee appointed to draw the Address to his Excellency, concerning the putting such parts of the Coast of this Province as are liable to be insulted in a posture of defence Reported the same which was Read and Ordered to be engrossed.

NORTH CAROLINA

To his Excellency Gabriel Johnston Esq^re Captain General and Governor in Chief of his Majestie's Province of North Carolina.

The humble Address of the Members of his Majestie's Councill in North Carolina, now met in General Assembly.

MAY IT PLEASE YOUR EXCELLENCY.

This Board having taken under consideration that part of your Excellency's speech to both Houses at the beginning of this session Wherein you are pleased to recommend that proper precautions be taken for putting such parts of the Coast of this Province as are liable to be insulted or attacked in a posture of defence—Beg leave to present your Excellency with our Resolutions thereupon and that you would be pleased to transmit the same to the Lords of the Admiralty in Great Britain and to use your Interest with that Board, or any other ways, that a Man of War be stationed in Cape Fear River, to the end that the property of his Majesty's Subjects inhabiting the same may be protected from the insults & invasions of the Enemy which are daily to be expected from an approaching war.

The Bill for building a Court house and Prison in Chowan Read and passed first time.

The Bill for regulating Ordinaries. Read the second time & passed with Amendments.

The Treasurers Bill Read & Ordered to lye upon the table.

Then the House adjourned untill four of the Clock in the Afternoon.

Post Merid^{n} The House met according to Adjournment.

Present The hon^{ble} William Smith Esq^{re} President.

The hon^{ble} { Nath: Rice, Eleaz: Allen, Roger Moor } Esq^{rs} Members.

M^{r} Bryan & M^{r} Dawson Brought up the following Bills viz^{t}

A Bill for secureing Orphans Estates.

A Bill for rating the several Commodities as in this Act mentioned, equal to Proclamation money, and to direct the payments of debts, publick and parish taxes.

In the Lower House Read said Bills the first time and passed.

The Militia Bill

In the Lower House Read the second time & passed with Amendments.

A Bill for the better ascertaining the Fees of the several Officers in this Province.

In the Lower House Read the first time & passed.

Then the House adjourned until to morrow morning 10. o' the clock.

Wednesday the Twentieth The House met according to Adjournment.

Present The hon^{ble} William Smith Esq^{re} President

The hon^{ble} { Nath: Rice, Edw^{d} Moseley, Rob^{t} Halton, Roger Moor, Eleaz: Allen, James Murray, Math: Rowan } Esq^{rs} Members.

The Bill appointing a Treasurer for the several Countys therein mentioned, being Read the second time

And the Question being put whether the s^{d} Bill should pass

M^{r} Smith President The hon^{ble} Rob^{t} Halton Math: Rowan James Murray Esq^{rs} Members voted for the passing the s^{d} Bill

The hon^{ble} Nath: Rice Eleaz: Allen Edw^{d} Moseley Roger Moor Esq^{rs} Members voted against it.

Whereupon M^{r} Smith the eldest Counseller, insisted that he had a decisive vote upon an equality, On which the said Bill pas't.

Then the four Members who were of opinion that the said Bill ought not to pass desired that their dissent and Protest thereto should be read and entred upon the Journals of this House viz^{t}

The Protest of the Subscribers being four of the Members of the Upper House, against the eldest Councellor or Chairman claiming a casting vote, in the Upper House on an equality he making one of the equality.

First. Because we conceive that the first Councellor has not, nor ought to have more power in Assembly than any other Member of the Council, nor can vote more than once on any Question proposed in this House.

2dly That for the first Councillor to assume to himself, the right of a casting vote where he himself makes the equality is claiming that of two votes, in the Upper House, for which we conceive, there never was a Precedent in any of His Majesty's Colonys, in America since the first Settlement of them.

3rdly We conceive that should this extraordinary power, be admitted in the first Councellor in the Upper House of Assembly of first voting as a Member, and then giving an additional one to cast the balance in case of an equality, himself included, this power extend equaly to such Questions on the negative side of which he is pleased to declare himself, as well as on those in the affirmative, from whence we conceive it will follow, that the first Councellor in the Upper House has at sometimes a negative on the Laws of this Province, A power we cannot apprehend was ever vested in any but the Crown or it's Delegate the Governor.

4thly We conceive that where a right is so strongly asserted as in this Case it behooves the partyes asserting that right to produce some instance paralel to it, either at home or abroad, in support of that assertion in order to regulate our judgement, and determine our opinion in the case, as nothing of this kind has appear'd, but on the contrary that during this present Governour's Administration We apprehend a Bill has been laid aside, from the equality of Votes in the Upper House, it is plain we conceive, that the present claim of the first Councellor is an Innovation, and destructive of the rights of the Upper House which we are determined as far as in us lyes to leave unviolated to our Successors.

For all which reasons and many other we could produce to shew the inconvenience of such a practice in this House We do hereby dissent from and protest against any Bill, clause of a Bill, or other matter whatsoever which shall pass this House, in consequence of such an uncommon proceeding.

Signed. NATH: RICE EDW[d] MOSELEY
ELEAZ: ALLEN ROGER MOORE.

The Bill for prescribeing the method of proveing book debts &c. Read the second time & passed with Amendments.

The Bill for ascertaining the allowance of His Majestie's Councill &c. Read the first time and passed.

M^{r} Bartram & M^{r} Roberts, Brought up a Bill for erecting the Village called Newton in New Hanover County into a Town & Township by the name of Wilmington, and for regulating & ascertaining the Bounds thereof

In the Lower House Read the first time and passed.

The Fee Bill Read the first time and passed.

M^{r} Roberts and M^{r} Bartram Brought up the Bill for ascertaining the wages of his Majestie's Councill &c

In the Lower House Read the second time & passed.

Then the House adjourned until 3 o' the clock in the afternoon.

Post Merid^{n} The House met according to Adjournment.

Present The hon^{ble} William Smith Esq^{re} President

The hon^{ble} { Nath Rice, Math Rowan; Rob^{t} Halton, Edw^{d} Moseley; Eleazer Allen, Roger Moore; James Murray } Esq^{rs} Members

The Bill appointing part of Bertie a Parish & County. Read the first time & passed with Amendments.

The Wilmington Bill Read the second time, and after some debate upon the same, the question was put whether it should pass.

For the Bill—The hon^{ble} W^{m} Smith Esq^{re} President Rob^{t} Halton Math: Rowan James Murray Esq^{rs} Memb^{rs}

Against the Bill—Nath: Rice Eleaz: Allen Edw^{d} Moseley Roger Moore Esq^{rs} Memb^{rs}

Then M^{r} Smith President insisted on his having a Casting vote Notwithstanding the equality upon which the Bill passed.

Whereupon the following Members who protested against the passing the said Bill for the reasons given this day in the Case of the Treasurers Bill did protest again. Reserving to themselves, other reasons against passing the said Bill untill the third Reading of the same.

Then the House adjourned untill to morrow morning ten o' the clock.

Thursday the Twenty first. The House met according to Adjournment.

Present The hon^{ble} William Smith Esq^{re} President

The hon^{ble} { Nath Rice, Edw^{d} Moseley; Rob^{t} Halton, Roger Moor; Eleaz: Allen, James Murray; Math: Rowan } Esq^{rs} Members

M^{r} Montgomery & Sir Rich^{d} Everard Brought up the following Message

MAY IT PLEASE &C.

This House requests your Honours would be pleased to send down to the House the Commodity Bill which was sent to you the nineteenth instant.

The Commodity Bill Read the second time & passed.

The Militia Bill Read the second time & passed with Amendments.

Then the House adjourned untill three o' the clock in the afternoon.

Post Merid[n] The House met according to Adjournment.

Present The hon[ble] William Smith Esq[re] President.

The hon[ble] { Nath: Rice, Edw[d] Moseley, Rob[t] Halton, Roger Moor, Eleaz: Allen, James Murray., Math: Rowan } Esq[rs] Members

M[r] Sinclare & M[r] Peyton Brought up the following Bills.

The Treasurers Bill

In the Lower House Read the third time & passed.

The Bill for building a Prison in Chowan

In the Lower House Read the second time and passed with Amendments.

In this House Read the second time & passed.

The Wilmington Bill

In the Lower House Read the second time and passed with Amendments.

The Bill for prescribeing the method of proveing Book debts.

In the Lower House Read the third time and passed with Amendments.

In this House Read the third time and passed.

On reading the Wilmington Bill in this House the second time, it was motion'd and the question put, whether Rufus Marsden & Joshua Grainger should be added to the Comm[rs] for the Town of Wilmington, in the said Bill.

Against the Question—The hon[ble] William Smith Esq[re] Pres[t] Rob[t] Halton Math: Rowan James Murray

For the Question—Nath: Rice Eleaz: Allen Edw[d] Moseley Roger Moor.

Then the Votes being equal M[r] Smith the eldest Councellor again insisted, that he had a casting vote upon the equality, upon which the Question was carry'd ag[st] the Commissioners.

Then the Bill being Read, the question was put, whether the same should pass.

For the Bill, the same Members who voted for it the twentieth instant.

Against the Bill, those that voted against it the same time.

Whereupon M^r^ Smith again declared that he had the casting vote as before.

Upon which the Bill was carryed.

The Treasurer's Bill being Read the third time the Question was likewise put whether the same should pass. On which the same Members, who voted for the passing the said Bill on the twentieth Instant, again voted for it, and the other Members who voted against it at the same time, again voted against it.

Then the eldest Councillor M^r^ Smith again insisting on the decisive vote The Bill passed.

Then the gentlemen who voted against the passing the said two Bills, desired liberty again to Protest against them, and against the eldest Councellor's decisive vote for the reasons before set forth, on the twentieth instant, and to add such further matter as they think proper upon the third reading.

Then the House adjourned untill to morrow morning Ten o' the clock.

Fryday the Twenty second. The House met according to Adjournment.

Present The hon^ble^ William Smith Esq^re^ President.

The hon^ble^ { Nath: Rice, Rob^t^ Halton, Eleaz: Allen, Edw^d^ Moseley, Roger Moor, James Murray, Math: Rowan } Esq^rs^ Members.

M^r^ Montgomery & M^r^ Craven Brought up the following Bills.

The Commodity Bill

The Fee Bill

In the Lower House Read the second time & passed with Amendments.

A Bill for ascertaining the boundarys between Tyrrell and Beaufort County, and Edgcomb County.

In the Lower House Read the first time and passed.

The Edgcomb County Bill.

In the Lower House Read the second time & passed.

A Bill to exempt the Inhabitants of Bath Town from working on the Publick roads &c.

In the Lower House Read the first time & passed.

The Church Bill

In the Lower House Read the second time and passed with Amendments.

A Bill for the more effectual establishing a publick ferry from Bath Town to Core Point and for preventing any other Ferry within ten miles.

In the Lower House Read the first time and passed.

A Bill for confirming the Town Lands of Edenton and better regulation thereof

In the Lower House Read the first time and passed.

The Commodity Bill Read the second time and rejected.

The Fee Bill Read and rejected.

The Edenton Town Land Bill Read the first time and passed.

The Bath Town Ferry Bill Read the first time and passed.

M^{r} Secretary Rice complained to the House that he had been acquainted, that John Hodgson Esq^{re} Speaker of the House of Burgesses, had in a most indecent manner, in a publick room, called the Secretary Rice a damned rascal, and said, also he would cut of half the said M^{r} Rice's fees, and raise some others in the House of Burgesses.

Ordered that Afair be examined into to morrow morning.

The Tyrrell Boundary Bill

The Bath Town Road Bill Read the first time and passed.

Then the House adjourned until to morrow morning 10 o' the Clock.

Saturday the Twenty third. The House met according to Adjournment.

Present The hon^{ble} William Smith Esq^{re} President.

The hon^{ble} { Nath: Rice, Edw^{d} Moseley; Rob^{t} Halton, Roger Moor; Eleaz: Allen, James Murray; Math: Rowan } Esq^{rs} Members.

The Wilmington Bill Being Read the third time the Question was put whether the said Bill should pass.

For the Bill—The hon^{ble} W^{m} Smith Esq^{re} Pres^{t}, Rob^{t} Halton, Math: Rowan, James Murray

Against the Bill—The hon^{ble} N. Rice, Edw^{d} Moseley, E. Allen, Roger Moor

The votes being equal M^{r} Smith again insisted on his right of the casting vote, tho' himself made the equality. Upon which the Bill passed.

Then the four Members against the Bill, Protested as well against the power assumed by the eldest Councellor as the Bill—And desired leave until Monday to bring in their Protest thereto.

M^{r} Craven & M^{r} Walton Brought up the Bill for building a Prison in Chowan &c.

In the Lower House Read the third time & passed.

Then the House adjourned until Monday morning ten o' the clock.

Monday the Twenty fifth. The House met according to Adjournment.
Present The hon^{ble} William Smith Esq^{re} President.

The hon^{ble} { Eleaz: Allen, Edw^{d} Moseley; Rob^{t} Halton, Roger Moor; Math: Rowan, James Murray } Esq^{rs} Memb^{rs}

Sir Rich^{d} Everard & M^{r} Swann Brought up the two following Messages.

MAY IT PLEASE &C.

This House having Resolved that the several County Treasurers pay Burgesses wages, and all claims (as shall be approved of by both Houses,) out of the Pole tax, and Loan money by a warrant from his Excellency the Governor, to them or either of them directed.

To which we desire your Hon^{rs} Concurrance

MAY IT PLEASE &C.

This House having Resolved to allow Edw^{d} Moseley Esq^{re}, Sir Richard Everard, M^{r} Samuel Swann, M^{r} John Swann Commissioners appointed by the last Assembly to revise the Laws of this Province, the sum of five hundred pounds for said service.

To which we desire your Hon^{rs} Concurrance.

Then M^{r} Allen produced to the House the Protest of himself and the other Members against the Wilmington Bill. Which was read in these words—viz^{t}

First. Because the town of Brunswick was by one Act of Assembly of this Province passed the day of November 1729 made a Township, and had by virtue of that Law, a power to erect a Church, a Prison and Court House, and to hold the several Courts of the Precinct therein That from the encouragement of this Law, many People did undertake, to build and actually built, several good Houses, and made great improvements in and about the said Town some years before the Village of Newton was erected or so called from whence we conceive that should this Bill pass into a law it would be attended with great injustice, in as much as it deprives those persons of the fruits of their labour and expence, and may in time be brought into Precedent for the Demolition of this favourite Village, whenever it shall happen that another set of Gentlemen whose Interest lye much farther up the river, shall petition the Legislature for it, Nor can we conceive it at all agreeable to natural equity to divest the Inhabitants of the Town of any Privileges once granted by Law, without some failure or breach of that Law, on their part nothing of which kind has been so much as alledged against the Inhabitants of Brunswick.

Secondly. Because the Lands in this Bill set apart for a Town, being the property of private persons, it does not appear by any authentick Instruments, that all the same are allotted for such a purpose, by the consent of the Owners which we think this House should be satisfied with before this Bill passes.

Thirdly. Because by this Bill the Custom House Officers, are under a certain Penalty, established at Newton, Notwithstanding the depth of water and other conveniences of navigation before Brunswick, are notoriously known to be superior to those of Newton, which we conceive to be not only contrary to the Orders, and intention of the hon^{ble} the Commissioners of the Customs of London, but will subject the Trade of Cape Fear River already too much burthened, to still greater hardships and inconveniencies as it obliges every Master whose Vessell is of too large burthen, to pass the shoal to Newton, or who shall think it more convenient to trade below, to enter there, which many times in the year is rendered impracticable by bad weather within the time limited by Act of Parliament, in which case it is in the breast of the Officer to seize such Vessell, to condemn and confiscate her with all her Tackle, furniture and apparel, to his Majestie's use if a judge of the Admiralty, shall hereafter be found wicked enough to proceed on so slight grounds, and all this for not performing impossibilitys

Lastly. We conceive we should not act as faithfull servants to His Majesty should we consent to the passing this Bill. Because by establishing the Custom House Officers so far up the River the fairest opportunitys are given for breach of the Laws of Trade, by importing contraband goods or exporting Tobacco and other enumerated Commoditys to foreign Markets to the great detriment of his Majesties Revenue and discouragement of the fair Trader, an instance of wh^{ch} we can produce, well attested, to which the Officers were (as now held) at Newton.

We likewise protest against the manner of passing this Bill, the first Councellor assumeing to himself a Power of a decisive Vote, on an equality of Members, he making such equality.

For the Reasons given the 19th Instant on passing the Bill for appointing a Treasurer.

Signed NATH: RICE
ELEAZ: ALLEN
EDW^{d} MOSELEY
ROGER MOOR

Then the House adjourned untill three o' the clock in the afternoon

And met according to Adjournment Present as before
And adjourned untill to morrow morning ten o' the clock.

Tuesday the Twenty sixth The House met according to Adjournment

Present The hon^{ble} W^{m} Smith Esq^{re} President

The hon^{ble} { Rob^{t} Halton, Edw^{d} Moseley; Eleaz: Allen, Roger Moor; Math: Rowan, Ja^{s} Murray } Esq^{rs} Members.

The Bill for ascertaining the Burgesses wages.

Read the second time & passed with Amendments.

M^{r} Sinclare & M^{r} Bould, Brought up from the Lower House the following Messages—

May it please your Hon^{rs}

We have Resolved the several Lists of Jurymen herewith sent for the several Countys in this Province be added to the former List.

To which we desire your Hon^{rs} Concurrance.

Read & concurr'd with & sent down to the Lower House.

And that this Rule be observed untill next Assembly, and that the clerk of the Assembly do immediately enter the same Lists on the Journals, and deliver to M^{r} Chief Justice a copy of the same, to cause scrools [scrools] to be made thereby, to be put into the Baleating Box.

May it please &c.

This House having Resolved that the several County Treasurers issue no more loan money on Interest, than what they have already let out and that the several County Treasurers collect the Pole Tax now due in the several Countys, as the Law directs.

To which we desire your Hon^{rs} Concurrance.

May it please your Hon^{rs}

This House Resolved that the moneys taken by the Officers for collecting the dutys on all Vessells coming into the several Ports and Rivers in this Province, according to their several draughts of water, shall be taken at four for one and all Officers who have taken any more shall refund the same, to the several Persons from whom it hath been taken.

To which we desire your Hon^{rs} Concurrance.

M^{r} Blount & M^{r} Walton brought up the Bill for ascertaining the Burgesses wages.

In the Lower House Read the third time & passed.

On reading the Bill for ascertaining the wages due to the Burgesses &c. A Motion was made and the question put whether an Amendment should be made to the said Bill to allow the charges of ferryages to the several Members of Council and Assembly. Which was carryed in the Affirmative.

Then it was further motioned and the question put, whether, one days wages be added to the Members of Tyrrell for comeing and going. And carryed in the Affirmative.

Then the House was pleased to send the following Message, in answer to the Message regarding the Burgesses wages &c.

Mr Speaker and Gentlemen,

On reading the Bill for ascertaining the Allowance of the Members of Council and Assembly in this House the third time we came to the following Resolution

That an Amendment be made to the said Bill by adding an Allowance for ferryages to the Members of Council & Assembly and that one day more be added to the wages of the Members of Tyrrell County for comeing and going.

To both which we desire your Concurrance—Before we put the Bill for passing in this House.

Mr John Starky & Jas Castellaw Brought up the following Message

May it please &c.

This House having ordered forty pounds to be paid to the Revd Mr Holmes for the several sermons preached by him before both Houses.

To which we desire your Concurrance

Read and concurred with.

Mr Montgomery & Mr Starky brought up the following Message with the Petition of divers Scotch men—vizt

This House having read the Petition of Dugald McNeal, and Col: McAlister in behalf of themselves, and others which Petition we herewith send you to which we refer. And have resolved to concurr with your Honours as far as lyes in our power to give such encouragement to the Petitioners as you shall think proper.

On reading the above Message the House took under their consideration the same and Ordered the said Petition to be read. Which accordingly was in these words.

To &c

The Petition of Dugald McNeal and Col: McAlister in behalf of themselves and several other Scotch Gentlemen and several poor People brought into this Province

Setting forth that they arrived into this Province in the month of September, with about three hundred and fifty people from Scotland to settle in this Province

And if proper encouragement be given them, that they'l invite the rest of their friends & acquaintances over

And prays for such encouragement as they think proper.

The House on reading the above Petition came to the following Resolutions—viz^{t}

Resolved that the Persons mentioned in the said Petition, shall be free from payment of any Publick or County tax for Ten years next ensueing their Arrival.

Resolved that towards their subsistance the sum of one thousand pounds be paid out of the Publick money, by his Excellency's warrant to be lodged with Duncan Campbell, Dugald M^{c}Neal, Daniel M^{c}Neal, Coll. M^{c}Alister and Neal M^{c}Neal Esq^{rs} to be by them distributed among the several families in the said Petition mentioned.

Resolved that as an encouragement for Protestants to remove from Europe into this Province, to settle themselves in bodys or Townships, That all such as shall so remove into this Province, Provided they exceed forty persons in one body or Company, they shall be exempted from payment of any Publick or County tax for the space of Ten years, next ensueing their Arrival.

Resolved that an address be presented to his Excellency the Governor to desire him to use his Interest, in such manner, as he shall think most proper to obtain an Instruction for giveing encouragement to Protestants from foreign parts, to settle in Townships within this Province, to be set apart for that purpose after the manner, & with such priviledges and advantages, as is practised in South Carolina.

On Reading the Message from the Lower House, regarding their Resolve for allowance to the Commissioners for reviseing the Laws,

It was Resolved that they not having laid before this House for their opinion the said revised Laws, the House deferr'd the consideration thereof untill next Session of Assembly, when they upon the same being laid before them will take the same into their consideration.

Then the House adjourned untill 3 o' the Clock in the afternoon

Post Merid^{n} The House met according to Adjournment.

Present The hon^{ble} William Smith Esq^{re} President.

The hon^{ble} { Nath: Rice, Edw^{d} Moseley; Rob^{t} Halton, Roger Moor; Eleaz: Allen, James Murray; Math: Rowan } Esq^{rs} Members

M^{r} Craven & M^{r} Lovick Brought up the two following Messages

MAY IT PLEASE &c.

In answer to your Message relating to the allowance of the Members of Council & Assembly &c. We concurr with your Amendments proposed, not including Servants and Servants horses.

MAY IT PLEASE &c.

Pursuant to an Act of Assembly pass'd in March last, we have appointed the following Persons with M^r^ Speaker, to joyn Your House to value the Exchange of the Currency of this Province.

M^r^ Swann M^r^ Sumner M^r^ J^no^ Blount M^r^ Roberts M^r^ Alderson M^r^ Bartram M^r^ Dawson M^r^ Tho: Bryant M^r^ Smithick. who are to proceed on the same, when your Honours will be pleased to give them notice.

The House on Reading the Message regarding the allowance of wages due to his Majestie's Council &c. And Debateing the same The question was put whether the Amendment proposed by this House for having the ferrages of themselves their Servants and Horses be excluded or included.

Resolved that the ferrages of Servants and Horses &c be incerted in the said Bill.

Upon which the same was accordingly added and the following Message sent together with the Bill.

M^r^ SPEAKER &c.

We cannot receede from our Opinion that the ferrages of the Servants and Horses of the Members of Council and Assembly be added to the bill for allowance of his Majestie's Council and the Members of Assembly We have therefore incerted that Amendment, and pass'd the Bill thereon.

Then the House adjourned until to morrow morning 10 o' the Clock.

Wednesday the Twenty seventh The House met according to Adjournment

Present The hon^ble^ William Smith Esq^re^ President.

The hon^ble^ { Rob^t^ Halton, Edw^d^ Moseley; Eleaz: Allen, Roger Moor; Math: Rowan, Ja^s^ Murray } Esq^rs^ Members.

M^r^ Blackhall & M^r^ Swann, Brought up the two following Messages

MAY IT PLEASE &c.

This House having Resolved that the Wages due to the Servants of both Houses and wages due to the Members of former Assemblys, be first paid out of the moneys in the hands of Sir Richard Everard.

To which we desire your Concurrance.

Concurr'd with and sent down.

MAY IT PLEASE &c.

This House has Resolved that the Indians ought to have liberty untill next Session of Assembly, to hunt on all People's Lands they keeping out of inclosures, and not burning the woods near any Persons Plantation and doing no damage to People's stocks and behaveing themselves Orderly.

To which we desire your Concurrance.

Concurr'd with and sent down.

Then the House thought fit to send the following Message viz^{t}

M^{r} SPEAKER & GENTLEMEN,

We have received by M^{r} Swann the Report of the Committee of both Houses on the Claims allowed of by your House, and signed by the Speaker, As we cannot doubt but this Paper was sent up, for our Concurrance, We have upon Reading and considering the same and from the Report of Gentlemen of our House on that Committee thought proper to add four pounds to the Article of Richard Lovett, for stationary ware which makes the sum eighteen pounds.

To which we desire your Concurrance.

In the Lower House Concurr'd with.

Then his Excellency came to the House and was pleased to Order the immediate Attendance of the Lower House with such Bills as were engrossed.

Whereupon the Speaker attended by the House, came and presented to his Excellency the following Bills viz^{t}

An Act prescribeing the method of paying Book debts.

An Act appointing a Treasurer

An Act erecting a Village in Newhannover County by the name of Wilmington.

An Act to ascertain the Allowance of his Maj^{ties} Council.

To which his Excellency was pleased to assent.

Then his Excellency was pleased to Prorogue this Assembly to Edenton the second Tuesday in November next.

NORTH CAROLINA—ss.

At an Assembly begun & held at New Bern, on Neuse River the fifth day of February in the thirteenth Year of the Reign of our Sovereign Lord George the Second of Great Britain, France & Ireland King &c; and in the year of our Lord one thousand seven hundred and thirty nine; [1740] being the First Session of this present Assembly.

The Several Writs for electing Members of Assembly to serve for the several Countys & Towns in this Province were returned as follows Viz^{t}.

For Chowan County—M^{r} John Hodgson, M^{r} John Blount, M^{r} Abr^{a} Blackhall, M^{r} John Benbury, M^{r} Thom^{s} Walton

For Currituck County—M^{r} Tho^{s} Lowder, M^{r} W^{m} Leary, M^{r} Jacob Caroon, M^{r} John Caroon, M^{r} George Powers.

For Pequimon County—M^{r} M^{c}Rora Scarbrough, M^{r} Jos: Sutton, M^{r} James Sumner, M^{r} Joshua Long, M^{r} Nath^{a} Carruthers.

For Bertie County—M^{r} Benj^{a} Hill, M^{r} Jas. Castelaw, M^{r} Tho^{s} Bryant, M^{r} John Dawson, M^{r} John Browne.

For Pasquotank County—M^{r} Tho^{s} Hunter, M^{r} Will^{m} Relf, M^{r} David Bailey, M^{r} Thomas Pendleton, M^{r} Caleb Sawyer.

For Tyrell County—M^{r} Stevens Lee, M^{r} Edm^{d} Smithwick, Jn^{o} Montgomery Esq^{r}, M^{r} W^{m} Gardner, M^{r} Jas. Castelaw.

For Beaufort County—M^{r} Benj^{a} Peyton, M^{r} Simon Alderson.

Craven County—Geo: Roberts Esq, M^{r} W^{m} Brice.

For Hyde County—M^{r} Sam^{ll} Sinclare, M^{r} Joseph Tart.

New Hanover—M^{r} John Swann, M^{r} Maurice Moor.

Onslow County—M^{r} Sam^{ll} Swann, M^{r} John Starkey.

Bladen County—S^{r} Rich^{d} Everard Bar^{t}, M^{r} Will^{m} Bartram.

Bath Town—M^{r} Rich^{d} Rigby.

Carteret County—M^{r} Thom^{s} Lovick, M^{r} Arthur Mabson.

Edenton—M^{r} James Craven.

New Bern—M^{r} Geo: Bould.

Forty four Members appear'd, & took the several Oaths by Law appointed for their Qualification, and took their Seats in the House accordingly.

William Herritage Clerk of this House appeared & took the Oaths by Law appointed for his Qualification. Two Members of this House waited on his Excellency the Gov^{r} at the Council Chamber; to acquaint him this House was ready to wait on his Excellency, who was pleased to Command their attendance at the Council Chamber immediately. Then the House in a full body waited on his Excell^{cy} the Gov^{r} in the Council Chamber; who commanded them to return to their House; & make Choice of a Speaker; and present their Choice to him for Approbation.

The House returned & M^{r} Maurice Moore proposed M^{r} James Castelaw, & M^{r} Benj^{a} Hill proposed M^{r} John Hodgson, upon which it was put to the Vote and Mr. Hodgson carried it by a Majority of Seventeen Voices.

The House then waited on his Excell^{y} the Gov^{r} in the Council Chamber and presented M^{r} Hodgson accordingly.

His Excellency was pleased to approve of their Choice and made the following Speech which Mr Speaker was pleased to Recommend to the House & Ordered it to be read. Vizt—[For the Governor's address see Journal of Upper House.—Editor.]

Sir Richd Everard mov'd this House that a Committee be appointed to answer his Excellency's Speech, which was appointed of the following persons, vizt Sir Richard Everard Baront, Mr Samuel Swann, Mr Thomas Hunter; & George Roberts Esqr.

Sr Richard Everard mov'd this House that a Committee be appointed to enquire into the State of the Currency of this province, and to consider of proper Methods to raise the value thereof and that a Message be sent to the Upper House desiring they would appoint two members of their House to Joyn Sir Richard Everard Baront Mr. Benja Hill, Mr Jno Blount & George Roberts Esqr who are appointed a Committee pursuant to said Motion.

Resolved; That the Commissrs appointed to revise the Laws now in force in this Province make Report of their proceedings thereon to this House tomorrow.

Mr Blount mov'd that Dennis Sherlock be appointed a Messenger to the House and Sr Richard Everard mov'd that Samuel Reed be appointed Messenger to the House, which was put to the vote and carried in favour of Mr Sherlock.

James Moore and Samuel Reed were proposed by Two members of this House to serve this House, as Door Keepers which was put to the Vote and carried in favour of Mr Moore.

The House adjourned till 9 of the clock tomorrow

Fryday 8th Febry 1739. [1740] The House met according to Adjournment.

Read the Petn of Lewis Lefubres and others setting forth etc Praying an act may pass for their Naturalization

Order'd the said Petition lye on the Table.

Read the Petition of Griffith Jones, John White and Robt Hamilton in behalf of themselves and others Freeholders of the County of Bladen. Setting forth &c.

That at the last Election of Burgesses for the said County of Bladen Wm Bertram Thomas Browne Sr Richard Everard, and William Forbes were candidates.

That the said Richard Everard as they apprehended was not qualify'd according to Law to be a Burgess for that County.

That the said Richard Everard procured several Foreigners not naturalized and other persons not qualified to vote for him and they were accordingly poll[d] by the Sheriff.

That the Sheriff was also prevailed upon to close the Poll abruptly before several Freeholders had given in their Votes, who were really at the place of Election for that purpose.

By all which Illegal practices the said S[r] Rich[d] Everard was and is returned by the Sheriff as duly Elected one of the Burgessses for the said County:

Wherefore your Pet[rs] humbly pray that S[r] Richard Everard may be ordered to make it appear that He is qualify'd to be a Burgess for said County and that a scrutiny may be held on the Sheriffs return and that such Resolutions and Orders may be passed thereupon as this Honorable House in their great Wisdom shall seem meet

And your Pet[rs] shall pray &c.

Whereupon the said Petition was put to the Vote whether it be rejected or not which was carried in the Affirmative and it was accordingly rejected

M[r] Thomas Bryant, one of the Members for Bertie County appeared was qualify'd and took his seat in the House accordingly.

M[r] Maurice Moore mov'd that a Committee be appointed of the following persons viz[t] Sir Rich[d] Everard Baron[t] M[r] MacRora Scarborough and M[r] Benj[a] Hill to Examine and Settle the publick acco[ts] of this Province in Conjunction with such of the members of the upper House as they shall think prop[r] to app[t]

Reported by S[r] Rich[d] Everard from the Committee appointed to draw an answer to his Excell[ys] Speech that they had prepared one: which he read in his Place in these words:

To his Excell[cy] Gabriel Johnstone Esq[r] Gov[r] and Commander in chief in & over his Majesty's Province of North Carolina.

The humble Address of the Gen[ll] Assembly now met at New Bern for the said Province

May it please your Excellency

Wee his Majestys most faithful Subjects Representatives of Liege people of this province in Assembly beg leave to Return your Excellency our hearty thanks for your speech to both Houses at the opening of this Session.

Wee agree with your Excell[cy] that the great Appearance of Warr in Europe makes it absolutely necessary for us to reform our Military Law. and put such parts of our Coast as are most liable to be insulted or

attacked by our Enemies into a posture of defence; The want of a due promulgation of the Laws of this province; especially those passed the last Session are certainly attended with those evil Consequences you have Enumerated. Wee shall take care that the Laws already pass'd & those hereafter to be pass'd may have so much promulgation as may render the duty of the Subject as well as the Magistrate more easy, and this wee judge will be Effected by the Revisal of the Laws and causing them to be printed.

Wee shall according to your Excellency's recommendation endeavour to prevent the many notorious abuses which attend the present method of granting Licences for Marriages and ordinary keepers by putting those Licences on the same reasonable footing as they are in our neighbouring Colonys and to provide such proper funds as shall be consistant with the abilitys of those we represent that no branch of the publick Service may be retarded for want of a provision to defray the necessary charges attending the same.

Wee shall take that part of your Excellencys Speech which relates to the Indians into Consideration and use our utmost Endeavours to prevent those Evils which your Excellency apprehends may fall upon us should those people be seduced by our Enemies to joyn them and quit this province.

Wee assure your Excel^{cy} that wee are met together with firm Resolutions to lay aside all former prejudices and animositys all names of party and distinction and to joyn cordially and unanimously to promote the publick Good to supply what is wanting in our Laws to remove everything that is amiss and to pursue those Measures which are most likely to Establish the Peace and prosperity of this province & thereby render your Excellencys Administration happy and Easy. Which received the Approbation of the whole House. Order'd the same to be fairly Transcribed:

Read the Petition of Walter Lane complaining of an undue Election of a Member for Newbern Town in Craven County

Resolved That the Sheriff of Craven County have notice to attend this House to answer wherefore he returned George Bould Member for Newbern abovesaid and that all the Votes be sent for likewise.

S^{r} Richard Everard reported from the Commiss^{rs} appointed for the S^{o}ward to revise the Laws in force in this province as follows: An Act for the better observing & keeping the Lords days &c. . . . . which was read and pass'd And sent to the upper House by M^{r} Maurice Moore & John Montgomery Esq^{re}

Reported by Mr Speaker & John Montgomery Esqre from the Commissrs to the Nowards appointed to Revise the Laws in force in this province; that they are ready to produce the same to this House;

Mr John Swann, Geo: Roberts Esqre Mr Abm Blackhall Mr John Starkey & Mr Samll Sinclare are appointed a Committee of publick Claims & are to joyn such Members of the upper House as shall be appointed for that purpose, by the upper House.

Read the Petition of several Inhabitants of Tyrell County praying several Amendments in the Quit Rent Act: that the Jurisdiction of the County Courts may be enlarged that four Assistant Justices may be appointed to assist the Chief Justice in holding the Genll Court & Circuit Courts & that an Act may pass to prevent the Indians hunting &c on patent Lands. Ordered the same to lye on the Table.

Mr Maurice Moore moved that persons be appointed to prepare the Fee Bill. Order'd That Mr Samll Swann Geo Roberts Esqre and Mr Jas Castelaw do prepare and bring in the same.

Read the Petition of Jas Newby of Pasquotank County Praying to be Exempt from paying Levys. The same Granted.

Read the Petition of John Martin of Pasquotank County Praying to be Exempt from paying Levys.

The Same Rejected.

Sr Richd Everard mov'd for leave to bring in a bill for an Act to prevent the abuse of Lawyers & to prevent the multiplicity of Law Suits

Order'd He do prepare and bring in the same.

Read the Petn of John Holt: Praying to be Exempt from working on the Roads. The Same Granted.

Read the Petition of Wm Healy Praying to be exempt from working on the Roads and Mustering. The same Rejected.

Read the Petition of Edwd Keeling of Craven County Praying to be exempt from working on the Roads paying of Levys and all other publick Services The Same Granted.

Read the Petition of several of the Inhabitants of Pasquotank County Praying an Act may pass to oblige the Inhabitants of Currituck to clear that part of the great Swamp that leads through the head of Pasquotank into Currituck lying in Currituck County Ordered. Mr Thomas Pindleton & Mr Thoms Hunter do prepare and bring in the same pursuant to the Petition

Read the Petition of Mullford Lanston Praying to be exempt from working on the Roads and paying Taxes The same Granted.

Read the Petition of Cornels Leary of Tyrell County Praying to be exempt from working on the Roads and paying Taxes. The same Granted.

Mr Craven mov'd for leave to bring in a Bill to revise the Several Laws relating to Edenton, and to add such Clauses as are necessary &c.

Order'd That Mr Craven do prepare and bring in the same

The House adjourned till half an hour after Two of the Clock in the Afternoon.

The House met according to the adjournment.

Read the Petn of Soln Williams of Craven County Praying to be exempt from all publick Services & paying Taxes. The Same Granted.

Read the Petition of Henry Roads Praying to be exempt from working on the Roads & paying Levys The Same Granted.

Mr Blackhall & Mr Sutton waited on his Excellency the Govr to know when he would be pleased to receive the address of this House.

Who was pleased to command their attendance at the Council Chamber immediately.

The House in a full body waited on his Excellency the Govr in the Council Chamber & presented to him the foregoing Address.

To which his Excellency was pleased to make the following answer

Mr Speaker and Gent

I am heartily obliged to you for your kind Address and shall readily agree with you in anything for the publick good.

Reported by Sr Richard Everard from the Commrs at the S°ward for revising the laws in force &c as follows viz

An Act for establishing the Church. Order'd the same do lye on the Table.

The House adjourned till Tomorrow morning 9 of the Clock.

Saturday the 9th of Febry 1739. [1740] The House met according to adjournment.

Order'd That the Clerck of this House do acquaint the Revd Mr Holmes that, It is the desire of this House that he preach a sermon tomorrow before this house.

Sr Richd Everard mov'd that an Address be presented to his Excellcy the Govr to direct the Secretary of this Province to lay before this House the original Laws of this Province.

Order'd Sr Richard Everard and Mr Benjm Hill do prepare the said Address.

Geo Roberts Esqre mov'd this House that as the Members returned to serve for that part of the province called Edgecomb County now sit in this House contrary to the priviledges of this House they might not be allowed to sit any longer till a Law should pass for that purpose

Which was put to the Vote & carried in the Negative

Mr Craven mov'd for leave to bring in a Bill to appoint that part of the province called Edgecomb into a distinct County by the name of Edgecomb County.

Order'd That Mr James Craven Mr Thos Bryant and Mr Abram Blackhall do prepare and bring in the same

This House resolved into a Committee of the whole House to Enquire into the Pole of Newbern Town & chose Mr Maurice Moore Chairman.

After some time spent therein Mr Speaker resumed the chair.

Read the Petition of John Wright &c. Praying to be Exempt from paying all Levys & public Services. The same Granted.

Read the Petition of several Inhabitants of Chowan County Praying that Trade may be Encouraged and promoted to Europe & the West Indies, That port charges may be lessened and that a Naval Office may be Established at Edenton.

Order'd that Mr John Blount & Mr Thomas Walton do prepare and bring in a bill for an Act pursuant to the prayer of the said petition.

Read the Petition of the upper Inhabitants of Chowan County, Praying the County Court may be held as near as may be the Center of the sd County &c and that an act may be passed for that purpose.

Order'd: That Mr Blount, Mr Walton & Mr Hunter do prepare and bring in a Bill pursuant to the sd petition

Recd two Bills from the upper House, One for an Act for the better Observing & keeping the Lords Day and an Act for Establishing the Church and appointing select Vestrys

Endors'd Read the first Time in the upper House and passed with amendments.

The House resolved into a Committee of the whole House to Enquire further into the Pole of Newbern Town.

Mr Maurice Moore Chairman resumed the chair.

After some Time spent therein Mr Speaker resumed the chair

The House adjourned till three of the clock in the afternoon

The House met according to the Adjournment.

The House resolved into a Committee of the whole House to Inquire into the Pole of Newbern Town and Mr Maurice Moore Chairman resumed the Chair.

It appearing to this House that the High Sheriff having Voted for Geo: Bould the Member returned at the said Election

The Motion was made & the Question was put whether or not the sd Sheriffs Vote, ought to be admitted, at the said Election. And carried in the Affirmative

Then Mr Speaker resum'd the Chair.

The House adjourn'd till Monday 9 of the Clock in the Morning.

Monday the 11th Febry 1739. [1740] The House met according to Adjournment.

The Motion was made & the Question was put whether Mr George Bould the sitting Member was duly Elected for Newbern Town or not. Which was carried in the Affirmative

Mr Benja Peyton mov'd that as he was inform'd Mr Chief Justice Smith was the last Assembly if they had Sat to have been Impeached for Several Crimes & Misdemeanr that the Impeachment might be produced to this House immediately Otherwise, that the sd Chief Justice might be declared by this House a Just and upright Judge. Upon which Sr Richd Everard Baont One of the Members of this House charged the sd Chief Justice with high Crimes & Misdemeanrs and was seconded by Mr Samuel Swann & prayed leave till Wednesday next to exhibit the Articles against him;

Order'd, The said Sr Richd Everard have leave till Wednesday next to prepare & bring in the said Articles And, that a Warrt Issue from Mr Speaker to bring persons, Records and papers before them to Enable them to make proof of the said Articles.

Whereas several Reports have been spread to detract the Character of several of the Members of this House for abdicating this House the last meeting of the House of Assembly at New Bern which Reports are now made appear to be Groundless, false, and unjust.

The House adjourned till half an hour after two of the clock in the afternoon

The House met According to Adjournment.

Sr Richard Everard mov'd the House, as he was ordered by the House to draw the Articles of Complaint agt the Honble Wm Smith Esqre Chief Justice, Mr Maurice Moor might assist him therein & that they might withdraw themselves from the service of the House till to morrow Morning.

Order'd. They have leave accordingly.

Reported by Mr Swann one of the Commissrs appointed to Revise the Laws &c as follows Vizt

A Bill for an Act for Registering Christenings, Marriages & Burials.

A Bill for an Act for Regulating Ordinarys & Restraining Tipling Houses which were read the first time and pass'd

The House adjourned till tomorrow 9 of the clock

Tuesday the 12th of Febry 1739. [1740] The House met according to Adjournment.

S^{r} Richard Everard & Coll^{o} Hunter mov'd for leave to bring in a Bill for an Act to prevent frauds in packing Pork and other commodities, and to ascertain the Gauge of Barrells.

Ordered They have leave to prepare and bring in the same.

The House adjourned for half an hour.

The House met according to adjournment:

M^{r} James Sumner. one of the Members for Pequimens County appear'd took the Oaths appointed for his Qualification & subscribed the Test and took his seat in the House.

Sent to the Upper House the following Bills.

For appointing Constables for Regulating Ordinary Keepers &c: for Regulating Christening &c for appointing Coroners &c: for an Act concerning Marriages. by M^{r} Blackhall & M^{r} Peyton

M^{r} Maurice Moore mov'd that a Committee be appointed to bring in a Bill for Rating the Commodities of this Province: equal to Procla^{mn} money.

Order'd That M^{r} Moore S^{r} Rich^{d} Everard; M^{r} Blount; M^{r} Scarbrough; M^{r} Hunter; M^{r} Lowther; M^{r} Castelaw; M^{r} Anderson; M^{r} Sinclare; M^{r} Roberts; M^{r} Starkey, M^{r} Smithwick & M^{r} Mabson, do prepare and bring in the same.

Read the Petition of Peter Arnold. Praying to be exempt from working on the Roads & all publick service. The same Granted.

Read the Petition of Christ^{o} Yeoman of Hyde County Praying to be exempt from paying Taxes & all publick dues & dutys. The same Granted.

Read the Petition of W^{m} Botsworth &c Praying to be exempt from publick Duty The same Granted.

Read the Petition of Thomas Peartree of Hyde County Praying to be exempt from paying Taxes and publick Dutys. The same Granted

Reported by S^{r} Rich^{d} Everard one of the Comm^{rs} appointed to revise the Laws &c as follows Viz^{t}

A Bill for an Act to prevent the abuse of Lawyers &c Which he read in his place and was sent to the upper House by S^{r} Rich^{d} Everard & M^{r} Blount . . . . . as also a Bill for an Act to prevent the takeing of Boats Canoes Pottiangers, which was read & sent as above; as also a Bill for an Act concerning Weights & Measures, which was read and sent as above.

M^{r} Blackhall mov'd for leave to bring in a Bill for an Act to prevent the abuse of Practisers of Physick & Chirurgery, and to ascertain their Fees

Order'd: That M^{r} Blackhall and M^{r} Sinclare do prepare and bring in the same:

Sent a message to the upper House Viz^{t}

MAY IT PLEASE YOUR HONOURS

Wee have appointed S^{r} Rich^{d} Everard Baron^{t} M^{r} Scarbrough & M^{r} Hill to joyn such members of your house as you shall appoint to Examine & Settle the Publick Acco^{t}

Sent a Message to the Upper House Viz^{t}

MAY IT PLEASE YOUR HONOURS.

Wee have appointed M^{r} Roberts M^{r} Swann M^{r} Blackhall M^{r} Starkey & M^{r} Sinclare to joyn such Members of your House as you shall think proper to appoint to Settle and allow the publick Claimes of this Province.

Sent a Message to the upper house.

MAY IT PLEASE YOUR HONOURS

Wee have appointed a Committee of the following persons to joyn such Memb^{rs} of your House as you shall think proper to appoint to Inquire into the State of the Currency of this province & consider of proper Methods to raise the value thereof:

The House adjourned till 3 of the Clock in the Afternoon.

The House met according to Adjournment.

S^{r} Richard Everard Baron^{t} gave in the follow^{g} List to this House of the persons & papers necessary for Evidences to make good the Articles to be exhibited against the Hon^{ble} William Smith Esq^{re} Chief Justice of this Province Viz^{t}

Will^{m} Dudley of Onslow County, Cornelius Harnet Esq^{re} Sheriff of New Hanover County, Rufus Marsden, and Dan^{ll} Dunbibin Merchant in Newton, M^{r} Benjamin Wheatley of New Hanover, John Smithers Dep Sheriff of New Hanover & Thomas Murphy Will^{m} Tumcliff Rob^{t} Pitts Rob^{t} Kirkland James Keith of Craven County: . . . . . copies of the Venires and Pannels since M^{r} Smith was Chief Justice. Copies of four writs for Executing the Criminals at Edenton, Sign'd by the Chief Justice. Copy of M^{r} Smith Commission as Chief Justice; Copy of the Commission of Grand Sessions & Commission of si non Amnes (if any) Copy of the Record of M^{r} Dawsons Contempt about Trotters D^{o} concerning the Presentment of John Bond March 1736 D^{o} of Rob^{t} Callahorn Andrew Connor and others at Bath, August 1739 Copy of the Execution in the Case Bridgen against Tullwood D^{o} in the Indictment against Kelly for forcible . . . . . into M^{r} Andersons Lands and Copies in the Two cases against Anthony Booth. D^{o} in the case

Will[m] Dudley against Will[m] Crossby for assault. Rob[t] Forster Esq[re] Joseph Anderson Esq[re] Thomas Jones Attorney at Law. Orlando Champion of Chowan, Rob[t] Callahorne and Andrew Conner of Bath Town. James Kelly of Edenton, Anthony Booth at Mr. Duckinfields Plantation in Berties County, W[m] Mackay late of Edenton but now of Bertie County. And mov'd that M[r] Speaker Issue his Warr[t] to cause to come before this House the abovesaid Evidences.

Resolv'd that M[r] Speaker Issue his Warrant accordingly.

Reported by M[r] Swann one of the Commiss[r] appointed to revise the Laws in force in this province A Bill for an Act concerning Servants & Slaves which he read in his place the first time and passed.

Order'd the same to be sent to the Upper House.

The House adjourned till tomorrow morning 9 of the Clock.

Wednesday the 13[th] of Feb[ry] 1739. [1740] The House met according to adjournment.

S[r] Richard Everard pursuant to his Motion of Monday last laid before the house several Articles against the Hon[ble] William Smith Esq[re] Chief Justice which he read in his place. Then the House resolved into a Committee of the whole House to debate on the s[d] Articles and unanimously Chose M[r] Thomas Hunter Chairman.

It was mov'd by M[r] Speaker and seconded by M[r] Benjamen Hill that the Articles now exhibited against the Hon[ble] William Smith Esq[re] Chief Justice might be debated on Article by Article and that the proof of the same be produced immediately that the House might resolve whether the said Articles are sufficiently prov'd to this House for this House to impeach the said Chief Justice of the same.

To which M[r] Swann objected and seconded by S[r] Richard Everard.

Then it was put to the Vote and carried in the Affirmative by a majority of Ten Voices.

Sir Richard Everard proceeded to the proof as follows

To the seventh Article call'd M[r] John Bryan and M[r] Will[m] Herritage Evidences to support the same Articles and after hearing the Evidence

Mov'd whether the s[d] Article was prov'd sufficient to Impeach the s[d] Chief Justice with the same

M[r] Speaker objected to the s[d] motion & mov'd they might go through the Evidence to the whole charge before they mov'd for the Opinion of this Committee, being seconded by M[r] Blackhall was put to the Vote and carried in favour of M[r] Speakers motion

Then proceeded the second Article and called M[r] Joseph Anderson and M[r] Archibald Hamilton who were examined.

To the fourth and Sixth Articles produced Mr Andersons Evidence.

To the Eighth Article produced Mr Anderson Mr Caldom Mr Bryan & Mr Starkey Evidences.

To the ninth Article produced the Deposition of Anthony Booth.

To the Tenth Article produced Mr Anderson's several Executions and Mr Lovett Evidence.

To the Eleventh Article produced Mr Anderson Evidence.

To the Twelfth Article produced Mr Anderson and Mr Lovett Evidences.

To the Thirteenth Article produced Mr Hamilton Evidence

To the Fourteenth Article agree to Expunge being matter of private conversation.

To the Fifteenth Article produced Mr Hamilton Evidence

To the Sixteenth Article not any Evidence produced

Which Evidences being fully examined the Committee proceeded to debate. after some time resolved the proofs Exhibited to the above sd Articles are not sufficient to support the same.

Then Mr Speaker resumed the chair

Mr Chairman reported from the Committee that the aforesaid Articles and proofs were fully heard & debated by the said Committee.

The Question was put whether the proofs that were produced to support the said Articles are sufficient for this House to Impeach the sd Chief Justice or not being put to the Vote was carried in the Negative by a majority of six Votes

The House adjourned till tomorrow 9 of the clock.

Tuesday the 14th of Febry 1739. [1740] The House met according to adjournment

Mr Maurice Moor produced to the House a Bill for an Act for the better Regulating the Militia of this Province which he read in his place

Order'd the same to be sent to the upper House.

Mr Hunter mov'd for leave to bring in a Bill for an Act to prescribe the Method of proving Book Debts.

Order'd Mr Hunter and Mr Roberts do prepare and bring in the same

Mr John Swann mov'd for leave to bring in a Bill for an Act to divide New Hanover County.

Order'd He prepare and bring in the same.

Sir Richard Everard one of the Commissrs appointed to revise the Laws &c: Reported to the House as follows, Vizt

A Bill for an Act for Ascertaining the Gauge of Barrels for appointing packers &c

Order'd the same lye on the table

Order'd the several committees appointed by the Houses have leave to Imploy Clerks in Case they think proper;

The House adjourned till tomorrow 9 of the clock

Fryday the 15th of Febry 1739. [1740] The House met according to Adjournment

Order'd That notice be set up at the door of this House that all Treasurers and all other persons who have any publick monys in their hands and do not appear before the Committee for setling publick accots and account with them & pay such money as they shall be in Arrear to the publick on or before the 18th of this Inst. shall be sent for to this house in Custody.

Read the Petn of the Publick in Genll &c Praying a fee Bill might pass.

Order'd the same lye on the Table.

Mr Hunter brought in a Bill for an Act for prescribing the Method of proving Book Debts which was read and Passed.

Order'd the same be sent to the Upper House by Mr Hunter and Mr John Swann.

Sent to the upper House a Bill for an Act concerning Servants and Slaves by Mr Hunter and Mr John Swann

Sent to the upper House a Bill for an Act ascertaining the Gauge of Barrells for appointing Packers &c by Mr Hunter and Mr John Swann.

Mr Blackhall mov'd for leave to bring in a Bill for an Act to appoint a Treasurer for the Countys therein mentioned.

Order'd he have leave to prepare and bring in the same which he read in his place and passed

Order'd the same to be sent to the upper House by Mr Hunter and Mr John Swann

Order'd that Mr Samuel Swann Mr Hunter Mr Blackhall Mr Sinclare Sir Richd Everard & Mr Blount do prepare and bring in a Bill for an Act to improve the Navigation of this Province.

Reported by Sir Richd Everard one of the Commissioners appointed to revise the Laws &c a Bill for an Act for Encouraging the building of Mills, which he read in his place & pass'd.

Order'd the same be sent to the upper House by Mr Hunter and Mr John Swann.

As also a Bill for an Act concerning the Qualification of publick Officers & a Bill for an Act for Ascertaining Damages on protested Bills of Exchange by Mr Hunter and Mr John Swann.

The House adjourned till to Morrow Morning 9 of the Clock.

Saturday the 16th of Febry 1739. [1740] The House met according to Adjournment.

Mr John Swann brought in a Bill for an Act for taking part of the Countys of New Hanover & Bladen & Erecting by the Name of Brunswicke Which was read.

Order'd the same lye on the Table till Monday next

Mr Walton brought in a Bill for an Act to Erect a County Court House and Prison in the County of Chowan and to defray the expense of building the same

Order'd the same lye on the table till Monday next

Mr Scarbrough mov'd for leave to bring in a Bill for an Additional Act to an Act Intituled an Act for providing his Majesty a Rent Role &c . . . . To appoint a longer Time than mentioned in the said Act for persons to Register and Audit their Lands.

Order'd he have leave to prepare and bring in the same.

Read the Petition of several Masters, Owners of Vessels and others in these words Vizt

North Carolina

To the Worshipfull the Speaker &c. The humble Petn &c. Sheweth

That whereas by an Act of the Genll Assembly of this Province pass'd at New Bern the sixth day of March 1738 Intituled an Act for facilitating the Navigation of the several ports in this province &c (Inter As) It is Enacted that the Masters or Commanders of every Vessell or Vessells shall pay five Shills for every Ship or Vessell going to Roanoak & Two Shills & sixpence for every Ship or Vessell going to Bath, New Bern or Beaufort for every foot of Water: the sd Ship or Vessell shall draw. That several of your Petrs in Obedience to the sd Act have paid to the Receivrs of the said Impost the Severll Sums by the said Act imposed and thereby and therefrom had hopes the Navigation for the several Vessels to the Severall Ports therein mentioned from Ocacock Inlett &c would have been facilitated.

But now so It is altho the many and large sums recd by Virtue of the said Act, since the passing the same the sd Navigation is no ways made better or Easier & the same charge for Pilots from Ocacock into the Several Rivers and & Harbours is paid by severall of your Petr as usual, by reason whereof Yr Petitionrs are very much oppress'd

Therefore humbly pray this present Assembly would take the premises into mature Consideration and give them such Relief as they in their wisdom shall think meet.

& as in duty bound shall pray Signed

HENRY GULLIFER
JNO ROGERS
BAZZILLA FULGER,
NATH[ll] DRAPER
WILL[m] LISTER:
SILVANIUS CURTIS,
JOHN BRYAN
BENJ[m] BOURDEN,
CHARLES ADAMS.

His Excell[cy] the Gov[r] laid before this House a Copy of the 83[rd] Article of his Instructions from his Majesty, as follows

And Whereas it is highly necessary for the Wellfare of Carolina, that a Good Understanding should be maintained with the Indian Nations as well for the promoting of Trade as for the Security of the Frontiers of your Government, you are hereby particularly enjoyn'd to use all possible ways and means for regaining the Affections of the s[d] Indians & to preserve a good Correspondence with such of them as remain faithfull to our Interest & you are likewise hereby directed to recommend in the Strongest Terms to the Indian Traders to be Just & Reasonable in their dealings with the Native Indians & likewise to propose to the Assembly if you and our Council there shall Judge it necessary to pass one or more laws for the better Regulation of the s[d] Indian Traders and for the encouragement and protection of such Indians as shall adhere to our Interest

S[r] Richard Everard mov'd for leave to bring in a Bill to prevent Bribery and Corruption in Elections and other purposes therein mentioned.

Order'd He have leave to prepare and bring in the same.

S[r] Rich[d] Everard one of the Commiss[rs] appointed to revise the Laws in this province. Reported as follows.

A Bill for an Act for the better securing Orphans Estates. Which he read in his place.

Order'd the same lye on the Table.

Rec[d] from the upper house the follow[g] Bills for an Act for prescribing the manner of proving Book Debts . . . . . for Regulating the Militia of this Province . . . . . for Regulating Ordinary's &c . . . . . for appointing Constables &c . . . . . To prevent the abuse of Lawyers. To prevent the taking away of Boats Canoes, or Pettiangers. Concerning weights & measures. for appointing Treasurers in the several Countys therein mention'd. Which were Endorsed read in the upper House and passed with Amendments.

The House Adjourned till 3 of the Clock in the Afternoon.

The House met according to Adjournment.

The House Adjourned till Monday morning 9 of the Clock

Monday the 18th of Febry 1739. [1740] The House met according to Adjournment.

A Bill for an Act for prescribing the method of proving Book Debts. Ditto for an Act for Regulating Ordinary's.

Ditto for an Act concerning weights and measures.

Ditto for an Act for appointing a Treasurer for the several Counties therein mentioned.

Read the second time and amended.

A Bill for an Act for building a County Court House & Prison in Chowan County

Read the first time and sent to the upper House by Mr Castellaw & Mr Starkey.

The House adjourned till two of the Clock in the Afternoon.

The House met according to Adjournment

Read the Petition of several of the Inhabitants of Bertie County And read the Petition of several of the Inhabitants of Edgcomb County & Sent and referr'd to the upper House.

Read a Bill for an Act to ascertain the allowance of his Majestys Council & the Members of Assembly of this Province. The first time and pass'd.

Order'd the same to be sent to the upper House by Mr Castelaw and Mr Starkey.

The House adjourned till tomorrow 9 of the clock.

Tuesday the 19th of Febry 1739. [1740] The House met according to Adjournment.

Mr Maurice Moore produced to this House A Bill for an Act for rating commodities &c which he Read in his place & was sent to the Upper House by Mr Bryan & Mr Caroon. Mr Hill mov'd this House that the Revd Mr Holmes might be allowed a Gratuity for the several Sermons he preached before this House this Sessions.

Order'd That Forty pounds be paid out of the publick money to the sd Mr Holmes for such his Services. And that a message be sent to the upper House for their concurrence which is as follows.

May it please your Honours.

This House hath ordered forty pounds to be paid to the Revd Mr Holmes for the several sermons preached by him before both Houses of Assembly this Session. To which wee desire yr Honrs Concurrence.

Read the second time A Bill for an Act for Regulating the Militia which was amended and sent to the upper House by Mr Bryan & Mr Caroon.

Mr Montgomery mov'd for leave to bring in a Bill for an Act to ascertain the Bounds between Tyrell Edgcomb and Beaufort Countys.

Order'd He prepare and bring in the same

Sent to the upper House the Bill for an Act for the better Securing of Orphans Estates &c by Mr Bryan and Mr Caroon.

Sr Richd Everard from the Comittee of Publick Accts mov'd that the several Treasurers & other persons, who have publick moneys in their hands & have not appeared pursuant to the notice given them & settled their respective Accts with said Committee may be sent for in Custody. And that Mr Speaker may issue his warrant accordingly.

Mr Samll Swann produced a Bill for an Act for taking part of the Counties of New Hanover & Bladen & Erecting a distinct County out of them by the name of Brunswick . . . . . Which was read . . . . . & mov'd the same might pass . . . . . was put to the Vote & by a Majority of the House, Rejected.

The House Adjourned till three of the Clock in the Afternoon

The House met according to Adjournment.

Mr Castellaw brought in a Bill for an Act to appoint that part of Bertie County lying on the So line of Roanoak to be a distinct County & parish by the name of Edgcomb County & parish: . . . which was read pass'd & was sent to the upper House by Mr Roberts & Mr Bartram.

The House adjourned till to morrow 9 of the Clock.

Wednesday the 20th Febry 1739. [1740] The House met according to Adjournment.

Read the Petn of the Grand Pannel Summon'd for the Court of Oyer & Terminer, the 11th day of Decr 1739, held for New Hanover County. Setting forth That by an Act pass'd in the year 1729 The County Courts The Election of Burgesses Vestry men. Court house & Goal are appointed at Brunswick a place remote the River, difficult broad, & dangerous of Access for the Greatest part of the Inhabitants of sd County And that Newton in said County is more convenient for the purposes aforesaid. That, at the last Assembly It was thought Newton was the most proper place for the Circuit Courts for New Hanover, Bladen & Onslow Countys, that it will therefore be necessary to have a Court house and Goal there, and if those may Serve also, for the County It will be saving a considerable Charge to the County Praying this House to take the premises into Consideration & Grant Relief &c

Signed 108 OF THE INHABITANTS

Mr Montgomery mov'd & was seconded by Mr Bartram for leave to bring in a bill for an Act pursuant to the said Petition Order'd that Mr Montgomery & Mr Bartram do prepare and bring in the same

The House adjourned for Half an Hour.

The House met according to Adjournment

Mr John Dawson one of the Members of Bertie County appeared took the Oaths by Law appointed for his Qualification subscribed the test and took his seat in the House accordingly

Mr Bartram produced to this House a Bill for an Act for Erecting the Village called Newton in New Hanover County into a Town & Township by the name of Wilmington and for Regulating & ascertaining the Bounds thereof. Which was read and sent to the Upper House by Mr Roberts and Mr Bartram.

Recd from the upper House a Bill for an Act for appointing a Treasurer for the several Countys therein mentioned in the Room of Wm Downing elected with Amendments.

Recd from the upper House a Bill for an Act for building a County Court house & Prison in Chowan County and a Bill for an Act to ascertain the allowance of his Majestys Council & Members of Assembly of this Province. And a Bill for an Act for Regulating Ordinaries &c. . . . also a Bill for an Act prescribing the Method of proving Book Debts. with Amendments.

Read the follows Bills for Acts First to ascertain the allowance of his Majestys Council &c. . . . to prevent the taking of Boats Cannoes & Pettiangers &c. . . And sent them to the upper House by Mr Roberts & Mr Bartram.

Received from the upper House a Bill for an Act for the better ascertaining the Fees for the Severll Officers in this Province.

Read a Bill for an Act to appoint Constables &c the second time & sent to the upper House by Mr Abra Blackhall and Mr Smithwick.

Read a Bill for an Act for the better observing & keeping the Lords day &c the second time & pass'd & sent it to the Upper House by Mr Blackhall & Mr Smithwick

Read a Petition of Francis Singfield &c Praying the ferry over Nuse River to & from his House might be continued as usually.

Mr Sinclare mov'd for leave to bring in a Bill for an Act pursuant to said Petition & Prayer. Order'd that he have leave & that he prepare & bring in the same

The House adjourn'd till 3 of the clock in the Afternoon

The House met according to Adjournment.

Mr Rigby mov'd for leave to bring in a Bill for an Act to oblige the Inhabitants of Bath Town to clear and keep clear the Streets of sd town & that the Inhabitants may be exempt from working on the Publick Roads &c.

Order'd he prepare and bring in the same.

The House resolved into a Committee of the whole House to debate on several clauses in the Fee Bill.

After some time spent therein Mr Speaker resumed the chair

Mr Chairman reported that the several Matters in the sd Bill were debated & fully understood and that they thought necessary to make several amendments therein. To which the House concurr'd

The House adjourn'd till tomorrow morning 9 of the clock.

Thursday 21st of Febry 1739. [1740] The House met according to Adjournment

Mr Geo Bould mov'd for leave to bring in a Bill for an Act for the better regulating the Town of New Bern

Order'd Mr Roberts and Mr Bould prepare and bring in the same

Sir Richd Everard mov'd that a message be sent to the upper House requesting they would be pleas'd to pass & send to this House the Bill for an Act for Rating the Commoditys &c which was sent to them by this House the 19th instant

Sir Richd Everard mov'd that the Bill for an Act for the better ascertaining the Fees for the several Officers in this Province do lye on the Table till the Bill for an Act for rating the Commoditys &c be sent from the upper House to this House.

Order'd the said Bill lye on the Table pursuant to the said motion.

Sent the following message to the upper House.

May it please your Honours

This House Request Your Honours would be pleased to send them the Bill for an Act for Rating Comoditys which was sent to you the 19th Instant by Sir Richd Everard Bart & Jno Montgomery Esqre

Read the Petition of John Reed &c Praying to be exempt from all Publick Dutys and Levys The same Granted

Recd from the upper House a Bill for an Act for Erecting the Village call'd Newton in New Hanover County into a Town &c . . . . and a Bill for an Act for Rating the Commoditys &c

Read the Bill for an Act for prescribing the method of proving Book Debts . . . . & a Bill for an Act for appointing a Treasurer for the several Counties &c.

Sent them to the upper House by Mr Sinclare & Mr Peyton.

Recd from the upper House a Bill for an Act for Regulating the Militia of this province with Amendments.

Read the second Time and sent to the upper House the follows Bills .... for an Act for building a Court House and prison in Chowan County .... for an Act for Erecting the Village call'd Newton in New Hanover County into a Town and Township &c. by Mr Sinclare & Mr Peyton.

The House adjourned till 3 of the Clock in the afternoon

The House met according to Adjournment.

Read the Petition of Dugald McNeal & Cole McAlister in behalf of themselves and others

Resolved: That this House will concur, as far as lyes in their power to give Encouragement to the Petition.

And that a Message be sent to the upper house as follows

May it please your Honours

The House having read the Petn of Dugald McNeal & Cole McAlister in behalf of themselves and others the Petition we herewith send you to which wee refer and have Resolved to concur with your Honours as far as lyes in our power to give such Encouragement to the Petitioners as you shall think proper.

Recd from the upper House a Bill for an Act prescribing the method for proving Book Debts and a Bill for an Act appointing a Treasurer in the several countys &c and a Bill for an Act for Erecting the Village called Newton in New Hanover County into a Town & Township &c and a Bill for an Act for building a County Court House and Prison in Chowan County.

Mr Rigby produced a Bill for an Act for the more effectual Establishing a publick ferry from Bath Town to Core point on Pamplico River and for preventing any other ferry within Ten miles of the said Town of Bath on the same side of the River which he read in his Place.

Order'd the same to be sent to the upper House by John Montgomery Esqr and Mr Craven.

John Montgomery Esqre brought in a Bill for an Act for ascertaining the Boundary lines between Tyrrell Beaufort and Edgcomb Countys, Which he read in his Place.

Order'd the same be sent to the upper House by John Montgomery Esqre and Mr Craven.

Mr Craven brot in a Bill for an Act for confirming Titles to the Town Lands of Edenton for Securing the priviledges heretofore granted to the

s[d] Town & for Further Encouragement & better regulation thereof, which He read in his place & was sent to the upper House

Read a Bill for an Act to appoint that part of Bertie County lying on the South side of Roanoak River &c and was sent to the upper House.

Read a Bill for an Act to exempt the Inhabitants of Bath Town from working on the Publick Roads and to Oblige the Inhabitants of s[d] Town to Clear and keep Clear the Streets of the s[d] Town And was sent to the Upper House

M[r] Speaker mov'd the Two Bills sent from the Upper House might be Engrossed Viz[t] A Bill for an Act prescribing the Method of proving bad Debts: A Bill for an Act appointing a Treasurer in the sev[ll] Countys &c

Resolved the same to be Engrossed.

The House adjourned till tomorrow morning 9 of the clock

Friday the 22[nd] of Feb[ry] 1739. [1740] The House met according to Adjournment.

Sent to the Upper House the following Bills.

First for an Act for Establishing the Church &c: A Bill for an Act for ascertaining the Fees for the sev[ll] Officers in this Province. . . . . for an Act for rating Commoditys

The House adjourned till 3 of the clock in the afternoon

The House met according to Adjournment.

Resolved: that the Members of the several Countys In this Province do lay before this House a list of all the freeholders in their Respective Countys That they may be added to the former list of Jurymen.

The House adjourned till tomorrow 9 of the clock.

Saturday the 23[rd] of Feb[ry] 1739. [1740] The House met according to Adjournment

Read the Bill for an Act for Erecting the Village called Newton in New Hanover County &c . . . . And a Bill for an Act for building a Court House and Prison in Chowan County And sent them to the upper House.

The House adjourned till 3 of the clock in the afternoon

The House met according to adjournment.

Read the petition of Hannah Charles &c Praying herself and a Negro belonging to her be exempt from all Dutys & Levys &c. The same Granted

The House adjourned till Monday 9 of the clock

Monday the 25th of Febry 1739. [1740] The House met according to Adjournment

Sr Richd Everard one of the Commissrs appointed to Revise the laws in force &c Reported as follows

A Bill for an Act for Liberty of Conscience: A Bill for an Act directing the manner of granting for probates of Wills &c .... A Bill for an additional Act to an Act for providing Indifferent Jurymen in Causes Civil and Criminal &c.

Order'd they lye on the Table.

Resolv'd that the several County Treasurers in this Province pay Burgesses wages & all such claimes as shall be allowed of by this House by a Warrant from his Excellency to them directed.

Ordered that a Message be sent to the Upper House as follows

MAY IT PLEASE YOUR HONOURS

This House having resolved that the County Treasurers pay Burgesses wages and all claims that shall be approv'd of by both Houses out of the Pole Tax & Lone Money in their hands by a Warrt from his Excellency the Governr to them or either of them directed To which we desired your Honrs concurrence

Resolv'd that the Commissrs for revising the Laws to the So ward be paid the Sum of five hundred pounds for their service and that the following Message be sent to the Upper House for their concurrence

MAY IT PLEASE YOUR HONOURS

This House hath resolved to allow Edward Moseley Esqre Sr Richd Everard Baront Mr Samll Swann & Mr John Swann four of the Commissrs appointed the last Assembly to Revise the Laws of this Province the sum of five hundred pounds for the said service.

To which wee desire your Honours concurrence.

Order'd that the Commissrs appointed to the No ward to Revise the Laws of this Province Vizt William Smith Esqre John Montgomery Esqre John Hodgson Esqre & Mr Joseph Anderson do lay before this House the laws they have revised the next session of Assemblys

Resolved the several County Treasurers Issue no more Loan Money and that the several County Treasurers collect the Pole Taxes that are now due in their several Countys as the Law Directs

Ordered that a message be sent to the Upper House as follows

MAY IT PLEASE YOUR HONOURS

This House having resolved that the Several County Treasurers Issue no more Loan Money on Interest than what they have already let out,

and that the Several County Treasurers collect the Pole Taxes now due in their several Countys as the Law directs desire your Honours concurrence

Resolved that all Moneys taken by the officers for Collecting the Duty on all Vessells coming into the Several Ports & Rivers in this Province according to their Several draughts of Water shall be taken at 4 for One & all Officers who have taken any more shall refund the same to the several persons from whom it was taken

Ordered that the following Messages be sent to the Upper House

MAY IT PLEASE YOUR HONOURS.

This House having resolv'd that all the Moneys taken by the Officers for collecting the Duty on all vessells coming into the Severll ports and Rivers in this Province: according to their several draughts of Water shall be taken at 4 for one and all Officers who have taken any more shall refund the same to the several persons from whom it was taken desire your Honours concurrence

Sent by Mr Sinclare and Mr Bould

The House adjourned till three of the Clock in the afternoon.

The House met according to Adjournment

Recd from the upper House the bill for an Act for erecting the Village of Newton in New Hanover County into a Town & Township by the Name of Wilmington &c

Order'd the same be Engross'd

His Excellcy the Govr sent a Message to this House commanding their immediate Attendance

Mr Speaker with the House waited on his Excellcy the Govr & presented the following Acts Vizt An Act prescribing the method of proving Book debts, An Act for appointing a Treasurer for the several Counties therein mentioned, An Act for Erecting the Village called Newton in New Hanover County into a Town & Township by the Name of Wilmington & for Regulating & ascertaining the Bounds thereof which were read three times in open Assembly and compared:

To which his Excellency assented & ordered the great Seal of the Province to be affixed thereto;

Then his Excellcy was pleased to Order this House to Return and proceed on further Business.

Resolved that the following list of Jurymen now produced to this House be added to the former List Vizt

FOR CHOWAN COUNTY.

Thomas Ward	Joseph Ming	Wm Haughton
Wm Haughton J	Thomas Haughton	Joshua Haughton
Jas Egerton	Nathll Ming	David Butler
David Haughton	John Faulconer	Thomas Faulconer
John Ronsom	Thoms Everton	Richd Haughton
Jacob Butler	Edward Lester	Thos Robinson
Thomas Jones	John Vail	John Halsey
Henderson Siston	John Blount	Richd Fraizure
Willm Benbury	John Benbury	Thomas Collins
Jno Harlow	John Taylor	John Silney
Jno Walbutton	Luke Gregory	John Penrice
Frances Penrice	Thomas White	John Wilkins
Wm Wilkins	Wm Stacey	Abrs Jones
Willm Hoskins	John Mitchener	Miles Gale
John Kelly	John Richards	Peter Pain
Michll Slaughter	James Trotter	John Bonnor
Jos Anderson	Thomas Blount	James Blount
Thos Stevens	Thos Jones Senr	Peter Young
Wm Arkill	George Lisles	Thoms Luton
John Jones Jnr	John Jones Senr	Jos Champin
Henry Jones	Wm Jones	Wm Fillaw
Thomas Luton	Wm Luton	Willm Lewis
Robt Fullington	Jacob Print	Edwd Howcutt
James Fullaw	Wm Wilson	Orlando Champin
John Lewis	Wm Lisles	Henry Lisles
Peter Adams	Thomas Jones Jnr	Humphrey Garrott
Willm Handing	Humphrey Robinson	John Hodgson
Lodowick Mester	Gabriel Casand	Abra Blackhall
Samll Laban Plumer	James Craven	John Montgomery
David Ambrose	Jacob Powell	Luke White
Edward Champion	Thomas Hoskins	Jas Farlee
John Wallace	John Parker	Thos Garrett
Thos Roundtree Senr	Charles Roundtree	John Ward Senr
John Ward Junr	Thomas Ward	John Alston
John Goodwin	George White	Thos Ward Turner
Michael Brinkley	John Champion	Thoms Wallace
Ralph Outlaw	Michael Ward	Thoms Walton
John Freeman	Willm Freeman	Thoms Freeman
Richd Freeman	Thos Herrington	Benjs Spivey Senr
Thomas Spivey	Jacob Spivey	Charles Campbell

Henry Hill
Benj[a] Blanchard
Moses Hill
Walter Phelps
Charles Deal
Martin Hurdle
Will[m] Reddick
Thomas Norris
Jo[s] Vann
John Adam
Edward Hare
John Thomas
Titus Jones
Sam[ll] Harrold
Abraham Hill
Ja[s] Costan
Robert Lassiter
John Lassiter
Lewis Bond

Will[m] Hill
Thomas Hobbs
Henry Baker [Creek
Jas Wilson Burmoto
John Rice
Will[m] Daniel
Henry Guston
Alex[a] Oliver
Abra Adam Sen[r]
Andrew Ross
Moses Hare
Rob[t] Thomas
Will[m] Walton
Will[m] Rice
William Speight
Will[m] Walton Jun[r]
Moses Lassiter
Gabriel Lassiter
Henry Bond

Aaron Blanchard
Moses Roundtree
James Hinton
John Brinkley
Nath[a] Williams
W[m] Hughs
W[m] Hays
Will[m] Vann
Jacob Adam
Chas King
Ephraim Hunter
Will[m] Jones
Will[m] Hunter
John Jones
James Folks
Rich[d] Bond
John Measles
James Browne

FOR PEQUIMONS COUNTY.

Benj[a] Simpson
John Pratt
John Matheds
Jos Parker
Abra[m] Warren
John Stepney
Jo[s] Ashley
Joshua Deal
Samuel Bonnes
Joseph Steward
John Moore
M[c]rora Scarborough
Sam[ll] Moore
Ja[s] Sitterson
Jon[a] Sharrard
Henry Lamb
Phillip Piorey
Roger Kennion
Edw[d] Maudlin
Rich[d] Wood

Samuel Gregory
Joshua Pratt
Jer Pratt
Nath[ll] Carruthers
Will[m] Wyatt
Thomas Callaway
William Long
Edward Harris
Sam[ll] Standing
Abra Jennet
Samuel Hall
Robert Moore
Zach[a] Chancey
John Creasey
David Taylor
John Holloway
John Lilley
Arthur Barton
John Wedbee
Abr[a] Mullen Jun[r]

Thomas Ming
W[m] Halsey
Francis Parker
Ja[s] Carruthers
Thomas Long
Jo[s] Callaway
Rich[d] Wallis
Henry Hall
Thomas Norsom
Ralph Doe
Cabel Callaway
John Moore Jun[r]
Zach[a] Elton
John Harman
Christ[o] Armton
James Field
Frances James
Ja[s] Morgan
Rich[d] Robins
Isaac Mullen

Ja^{s} Parishee
Jn^{o} Bateman
Will^{m} Bateman
Sam^{ll} Swann
John Stevenson
Juley Williams
Ja^{s} Foster
Jno Parrish
David Hufton
Thom^{s} Weeks
Robert Cox
John Blitchenden
Edward Rice
Dan^{ll} Roquson
William Price
Simon Stallings
Thomas Davis
Rich^{d} Harrell
George Eason
Sam^{ll} Green
John Gordon
John Powell

Joseph Perrishee
Thomas Holloway
Geo Snowden
Rich^{d} Whedbee
Anth^{o} Hatch
John Barclift
Albert Albertson
Jn^{o} Barclift Sen^{r}
Edward Turner
Lolo Hendrix
Joseph Barclift
Luke Bonds
Thom^{s} Lilly
Jo^{s} Reddick
Nich^{o} Stallings
Thomas Dooton
Moses Davis
Will^{m} Scott
Rich^{d} Pierce
Jo^{s} Reding
John Harris
James Sumner
Mich^{ll} Brinkley

Clement Hall
W^{m} Snowden
Christian Reed
Jn^{o} Wilcox
Will^{m} Laden
Jos^{a} Barclift
Will^{m} Tomlin
Thomas Stafford
Nath^{a} Gordon
Henry Raper
Thom^{s} Blitchenden
Sam^{ll} Bonds
John Reddick
Rob^{t} Reddick
Elias Stallings
Jacob Dooton
John Boyce
Thomas Eason
Isaac Speight
Jo^{s} Reding J^{r}
Marma^{duke} Norfleet
Thom^{s} Wiggens

PASQUOTANK LIST OF JURYMEN.

Gabriel Burnham
Will^{m} Upton
John Davis
Caleb Sawyers
John Pugh
Dan^{ll} Cowen
Thomas Upton
Rob^{t} Morgan
Caleb Grandy
Christ^{o} Williams
Tho^{s} Faircliff
Griffith Gray
John Solley
Cor: Relf
Geo: Caroon
Rich^{d} Gregory

Richard Forgal
Rob^{t} Edney
John Burnham
Thom^{s} Sawyer
John Relf J^{r}
Caleb Cowen
Edw^{d} Upton
Jo^{s} Morgan
Cha^{s} Grandy
Miles M^{c}Daniel
Daniell Sawyer
Saunders Spence
Abel Rose
Will^{m} Gregory
Jacob Gregory
Sam^{ll} Barkett

John Jones
John Lachary
J^{no} Ivey
Jer Murden J^{r}
Cha^{s} Sawyer
Lodowick Williams
Evan Surrey
Thom^{s} Grandy
Ja^{s} Williams
Ja^{s} M^{c}Daniel
Benj^{a} Sawyer
Hezek^{ah} Butterworth
Griffith Jones J^{r}
Cor: Jones
Sampson Gregory
John Bell

Will[m] Seaborn
Edward Jones
Will[m] Bell
John Beals
John Thorksey
Jacob Guilford
Jno Guilford
Jacob Pool
Tho[s] Twiddy
Dan[ll] Jackson
W[m] Turner
Tho[s] Commander
Barth[o] Evans
Oliver Salter
Jo[s] Armour
Jo[s] Pendleton
Rich[d] Gray
Jn[o] M[c]Keel
Tho[s] Armour
Cha[s] West Sen[r]
Rob[t] Palmer Jun[r]
Jos Lambrosia
David George
Jer Chancy
Henry Palin
W[m] Davis
Jonathan Hibbs
W[m] Simpson Jun[r]
Sam[ll] Pritchard
David Pritchard
Jn[o] Davis Sen[r]
Edw[d] Wharton
Job Nichols
Jn[o] Richardson
Rob[t] Cartwright
Jer Murden Sen[r]

Ja[s] Gregory
Rob[t] Sanderlin
Job Gregory
Jacob Beals
Thom[s] Thorksey
Tho[s] Merviday
John Bailey
Jn[o] Nelson
Sam[ll] Jackson Jun[r]
Solomon Pool
Benj[a] Symmons
Jer. Symons
Timothy Meads
John Peggs
Tho[s] Armour
John White
John Cary
Thom[s] M[c]Keel
Anth[o] Markham
Jer Wilcox
Jn[o] Hosea
Zachariah
Tho[s] Woodley
W[m] Hickson
Thom[s] Palin
Jo[s] Reading
Edw[d] Scott
Thom[s] Smithson
Rich[d] Pritchard
Tho[s] Sawyer Jun[r]
Tho[s] Davis
John Winbury
Will[m] Ward
Steph[n] Richardson
W[m] Williams Sen[r]
Abr[m] Davis
Joshua Sawyer

Jn[o] Sanderlin J[r]
Jo[s] Godfrey
W[m] Furbush
Rob[t] Thorkskey
Jos Guilford
Lath[m] Parsley
Cha[s] Taylor
Sam[ll] Jackson Sen[r]
Zach[a] Jackson
Patrick Pool
John Davis
Simon Bryan
Thom's Meads
W[m] Winbury
Tho[s] Pendleton
Jn[o] Boyd
Benj[a] Marskey
Thom[s] James
Rob[t] Barnett
Jn[o] Bassuck
Rob[t] Hosea
Jn[o] Jennins
W[m] Brothers
W[m] Brothers
Jon[a] Reading
Sam[ll] Reading
Moses Cartwright
Tho[s] Kersey
John Harris
W[m] Weymouth
Jacob Albert
Henry Nichols
Ja[s] Greaves
Tho[s] Cartwright
Owen Rees
David Davis

CURRITUCK LIST OF JURYMEN.

Jos Sanderson
Timothy Ives
Tho[s] Surry

Thomas Parker
Jn[o] Woodhouse
Jo[s] Sanderson J[r]

Mich[ll] O Neal
Tho[s] Sanderson
Peter Luts

Edw^{d} Litchfield
Jonathan Jarvis
Samson Etheridge
Jo^{s} Sewing
Marma^{duke} Savile
Ja^{s} Lowell
Benj^{a} Beasley
Evan Jones
Bullock Symons
Robert Symons
Benoin Heath
Richardson Mors
W^{m} Rawlinson
Zekiah Farrow
Jn^{o} Neal
Isaac Davis
William Lee
Jn^{o} Etheridge
Sam^{l} Loe
Rich^{d} O Dowdy
Robert Overton
John West
Jno Armstrong
Dan^{ll} Dockeles
Rich^{d} Bradley
Willow^{by} Merchant
Ja^{s} Baker
David Jones
Jo^{s} Persons
Joshua Creason
Rich^{d} Fenton
John Perkins
John Crabb
John Pell
Rich^{d} Fanshaw
Jn^{o} Caroon
Tho^{s} Parker
Jas Parker
Evan Miller
Rob^{t} Bell
Tho^{s} Lowther

Peter Boom
Henry Jarvis
Adam Etheridge
Geo Paul
Rob^{t} Paul
Math^{s} Fowler
W^{m} O Dowdey
Patrick Jones
Rich^{d} Jones
Co^{r} Jones
Jn^{o} Heath
Geo Turner
Jn^{o} Whittby
Jacob Farrow
Hanson Brite
Will^{m} Scott
Thomas Davis
Nehemiah Heath
W^{m} Williamson
Sam^{ll} Brite
Sam^{ll} Berry
Thom^{s} Cox
Moses Linton
Parker Swindel
Jn^{o} Buckner
Henry Gibbs
Stephen Emery
Sam^{ll} Silbey
Jas Phillips
Peter Dange
Will^{m} Parker
Will^{m} Parr
Moses Fanshaw
Sam^{ll} Jarvis
Rich^{d} Jarvis
Will^{m} White
Jno Williams
Jos Bowrin
Benj^{a} Howell
Peter Poyner
Stephen Williams

Henry Woodhouse
Tho^{s} Russell
Jo^{s} Applestole
John Tillett
Rob^{t} Paul Jun^{r}
Dan^{ll} O Dowdey
W^{m} Mackey
Thom^{s} Dudley
Thom^{s} Legatt
Rich^{d} Wicker
Dennis Caps
W^{m} Rawlings
Job Carr
Thomas Neal
Tho^{s} Moncrieff
Dan^{ll} Phillips
Dan^{ll} Lee
Cha^{s} Brunt
Ja^{s} Nichols
Jn^{o} Linton
Benj^{a} Bennett
Lemuel Brite
Owen Dockeles
George Powers
Lewis Jenkins
Waitmen Emery
Sam^{ll} Slow
Tho^{s} Rabb
W^{m} Glascus
Peter Parker
W^{m} Fiwell
Wallis Bray
Tho^{s} Moree
David Logatt
Timothy Eldridge
Luke White
Josias Nicholson
Jno Hughs
Edward Taylor
Gilbert Portwood
Otho Holland

Wᵐ Surrey	Jaˢ Poyner	Jaˢ Moscer
Jacob Caroon	Richᵈ Gregory	Solᵒ Jarvis
Jer Stephens	Jer Mercer	Soloⁿ Etheridge
Samuel Symons	Andrew Pravat	Cadan Merchant
Caleb Merchant	Solomon Bennett	Willis Miller
	Charles Reynolds.	

BERTIE & EDGECOMB LIST OF JURYMEN

Thomas Jenkins	Jos Hardy	Jnᵒ Edwards Junʳ
James Castelaw	Archibalᵈ Bell	Willᵐ Boon
Jnᵒ Peacock	Jnᵒ Taylor	Arthur Sherrard
Richᵈ Rayley	Nich Tiner jʳ	Wᵐ Eldridge
Nathˢ Jones	Carolus Anderson	John Dowberry
Jnᵒ Tiner	Jas Tiner	Isaac Rice
Wᵐ Priger	Thoˢ Wall	Joˢ Pearson
Robᵗ Williams	Thoˢ Horne	Samˡˡ Williams
Jnᵒ Worrell	Jnᵒ Colson	Arthur Williams
Benjamin Hill	Thomˢ Green	Moses Moore
Thomas Ganey	Joˢ Scott	Leonᵈ Langston
James Denton	Wᵐ Vincent	Thomˢ Futtrell
Samuell Thomas	James Bryant	Joel Newson
Geo Downing	Mathew Mashburn	Isaac Parker
Danˡˡ Dickinson	Jnᵒ Browne	Moore Carter
John Battail	John Brown	Hugh Horton
Jos Lane	Marmaᵈᵘᵏᵉ Kimbrele	Jno Yelverton
Edwᵈ Harrell	Owen McDaniel	Jacob Harrell
Abˢ Harrell	Titus Moore	Edwᵈ Harrell jʳ
Wᵐ Turner	Thomas Harrell	Henry Everard
Jaˢ Harrell	Samˡˡ Harrell	Moses Taylor
Joses Harrell	Wᵐ Churchwell	Geo House
Jnᵒ Hineard	Pat Carr	Samˡˡ Gunner
Jnᵒ Wiggins	Pettyᵍᵉʷ Salesbury	Phil Pearce
Wᵐ Johnson	Chaˢ Morett	Robᵗ Hines
Wᵐ Hines	John Carroll	Joseph Harrell
Owen Ryal	John Harrell	Thoˢ Andrews
Thoˢ Bell	Jnᵒ Hilliard	Wᵐ Hilliard
Osborn Jefferys	Samˡˡ Ruffen	Robᵗ Ruffen
Jaˢ Barnes	Wᵐ Wilson	Willᵐ Collen
Jonˢ Tart	Jaˢ Tart	Jnᵒ Harrell jʳ
Richᵈ Williams	Thoˢ Williams.	Thoˢ Andrews
Thoˢ Barefield	John Page jʳ	John Page Senʳ

Cador Powell
Wm Barefield
Thos Bradford
Willm Arnold
Evan Raglin
Edwd Roberts
Alfrede Ashley
Jno Bird
Geo Lockheart
Edwd Bird
Phill Walston
Jno Bell
Arthur Williams
Thoms Lee
Wm Rasbery
Jos Howell
Thos Whitwell
Samll Herring
Henry Horne
Wm Ruffen
Wm Whitfield
Jno Harrell senr
Needham Bryan
Wm Moore
Nath Williams
Simon Turner
Wm Jordan
Danll Ogwin
Jas Lassiter
Thos Vincent
Jas Hutchinson
Richard Pace
Samll Buxton
Benja Duke
Willm Boon
Willm Bennett
Jno Boddice
Wm Cathcart
Andrew Erwin
Phill Thomas
Jas Guy

Epa Moore
Jas Rutland Senr
Nat Norwood
Robt Cates
Jas Brown
Jno Harsell
Thos Sutton
Jno Holbrook
Jno Aires
Michll King
Andrew Thompson
Thos Bryan
Jno Wynn
Jno Vanpelt
John Rasbery Senr
Jno Howell Jur
Jno Gray
Jno Cotton
Thos Hart
Mat Hardy
Wm Whitfield Jr
Abrm Harrell
Jno House
Benja Hill
Thoms Bonner
Jos Turner
Jno Rackley
Jno Davis
Jno Sutton
Jno Sharrard
Hardy Councill
Willm Pace
Thos Howell
Samll Pate
Willm Taylor
Thoms Bryant
Willm Boddice
John Vail
Willm Warr
Edwd Arpe
Thos Dautrey

Jona Stanley
Jno Spann
Samll Norwood
Chas Stephenson
Antho Webb
Thos Ashley Junr
Roger Snell
Jas Lockheart
Nat Hill
Henry King
Geo Bell
Samll Scolley
Joseph Wynn
Daniell Vanpelt
Jno Rasbery Junr
Wm Weston
Francis Hobson
Chas Horne
Jno Hart
Peter West
Henry Wood
Thomas Barker
Isaac Harrell
Samll Tayler
Richd Williford
John Bradley
Robt Cleary
Andrew Collins
Jno Vincent
Thos Hays
Lawrence Daughtrey
Arthur Cook
Robert Duke
Jacob Parsons
Andrew Taylor
Jno Edwards
Jno Bentley
Isaac Hunter
Solo Fuller
Hardin Cane
Josa Dautrey

Wm Bryant
Wm Perry
Jas Barefield
Jno Jones
Samll Allen
Willm Bell
Drew Smith
Thoms Drew
Robt Council
Willm Ashburn
David Legatt
Jno Bentley jr
Luke Mizell Senr
Jos Jordan
Hugh Highman
Henry Hunter
Wm Ward
Jno Jordan
Wm Bird
Jas Jones
Harman Hill
Benjs Wynns
Andrew Ireland
Thoms Jackson
Christo Leager
Benjs Johnson
John Lane
Wm Williams
Jno Hill
Stephen Cade
Jno Richards
Thos Avent
Nicho Sessions
Willm Foreman
Joseph Parker
Jno Bryan
Jas Cane
Ambrose Pitman
Jos Wall
Richd Braswell
Brasswell Bridger

Danll Huff
Richd Barefield
Bryan O Quin
Jas Douglas
Hardin Holmes
Jas Pirant
Wm Bryant
Jno Spiere
Wm Rhoads
Jona Righing
Jas Bentley
Jos Bentley
Wm Hacocks
Richd Swain
Edwd Frisbee
Jas Hurst
Jas Ward
Henry Cobb
John Williams
Wm Hodges
Rowd Williams
Wm Peak
Thomas Banks
Alex Cotton
Cullomore Session
Jacob Pope
Thomas Goadson
Arthur Harris
Willm Reeves
Nathall Perry
John Moore
Willm Avent
Elias Ford
John Griffen
Henry West
Samll Hargrave
Thos Drake
Jas Saunders
Jas Jones
Arthur Crawford
Thoms Bryan

Jno Beverley
Jas Wood
Pat O Quin
Thos Crews
Jno Bell
Jas Flood
Thos Turner
Thos Dowls
Wm Lattimere
Jas Legett
Edwd Collins
Jno Smithwick
Willm Jordan
Alexs Ray
Jos Wimberley
Jno Watson
Phil Ward
Robt Lawrence
Isaac Hill
John Morey
Jos Wynns
Jno Barker
Edwd Outlaw
Wm Warren
Robt Terrel
Jno Pope
Benjamin Lane
Steph Ragland
Jas Parham
Jos Step
Wm Shorter
Fras M°Ander
Jn° Mann
Garret Wall
Robert West
Willm Cane
Jas Jenkins
Willm Spiere
Jacob Braswell
Benjs Bridger
Henry Jones

Rob^{t} Cade
Bowib^{y} Milton
Will Kinchen
Jno Lowe
W^{m} Mackane
Jos Dew
Bryan Machelan
William Barnes
Henry Gay
Jos Barns
Tho^{s} Davis
Rich^{d} Lee
Nich^{o} Boon
Barnaby Bryan
Sam^{ll} Bridgers
Jno Borden
Jos Brite
Jas Wilkins
Jas Folk
Benj^{a} Porson
Jos Peal
Sam^{ll} Taylor
Joseph Phillips
Tho^{s} Phillips
Arthur Jordan
Tho^{s} Toler
Hopkin Howell
Henry Horn
Thos Hart
Rob^{t} Hilliard
Geo Goodson
Fra Rountree
Thom^{s} Page
Jno Wiggins
W^{m} Borden
Christ^{o} Gowen
Abr^{m} Dew
Jas Dukes
W^{m} Charles
Tho^{s} Wattockson
Tho^{s} Arrenton

W^{m} Pace
John Moore
W^{m} Short
Robert Jones
Jno Gardner
W^{m} Taylor
John Barnes
Nathan Barns
Joshua Lee
Jno Hobb
Josiah Liverman
Jas Maney
W^{m} Bryant
Edw^{d} Chitty
Jos Bridgers
Thos Britt (quaker)
Will^{m} Hines
Tho^{s} Baaley
John Bockin
Cha^{s} Jordan
Thos Bockin
W^{m} Hill
Edw^{d} Boiakin
Joseph Smith
Francis Bayakin
Nich^{o} Manger
John Grigory
Geo Wimberly
Cha^{s} Cavaners
Thomas Kirby
Isaac Rix
Rich^{d} Wiggins
Rob^{t} Buller
W^{m} Andrews
Dan^{ll} McClam
Edw^{d} Buxton
Tho^{s} Wiggins
Will^{m} Rust
Thom^{s} Burnett
John Rogers
Ralph Mason

Jno Cotton
John Gill
Robert Harris
Jno Mackane
W^{m} Whitley
W^{m} Goodwin
Peter Garland
Tho^{s} Parker
David Journakin
Jacob Barns
Godfrey Lee
Thos Thaunton
Abra Baggott
Jno Johnston
Rich^{d} Worrill
W^{m} Borden
Jas Carter
Joseph Huff
W^{m} Deloack
Geo Williams
Nathan Williams
Rich^{d} Wall
Edw^{d} Hood
W^{m} Hart
John Bourk
River Jordan
Cha^{s} Grigory
Benj^{a} Sellers
Jer: Hilliard
Vall Brasswell
Jo^{s} Moore
John Cane
W^{m} Everett
Phil Piorce
Jas Spiere
Jno Spiere
Isaac Rix
Nathan Joyner
John Burnett
Rob^{t} Hill
Thos Tice

Alex Ortery
W^m^ Brown
Frances Betts
W^m^ Roundtree
Richard Brasswell
Henry Holley
Jn^o^ Ballard

TYRELL LIST OF JURYMEN

John Fort
W^m^ Goodman
Edw^d^ Smithwick
Peter Martin
Lewis Davis
Rob^t^ Lannier
Jno Duggin J^r^
W^m^ Misell
W^m^ Stancell
John Griffen
John Ward
Denniss Glisson
Rich^d^ Sparkman
Benj Carkeet
Rob^t^ Moss
Joseph Dwight
Matthew Adams j^r^
Will^m^ Rhodes
Cha^s^ Hardison
Will^m^ Stubbs
Benj^a^ Walker
Will^m^ Swinson
Jas Jones
Rob^t^ McCray
Giles Long
Tho^s^ Hawkins
Sam^ll^ Spruil j^r^
John Jengle
Cuthbert Phelps
Jo^s^ Alexander
Jasper Hardison
John Suell
Joshua Alexander
W^m^ Gilbert
Joseph Spruill
W^m^ Kenneday
Rob^t^ Anderson
W^m^ Hambleton
W^m^ Folk
Sam^ll^ Wheatley
Rob^t^ Warren
W^m^ Duggan
Thom^s^ Bennett
John Gardner
Martin Griffen
John Butler
James Glisson
Cha^s^ Barfield
Benj Corree
John Browning
Thom^s^ Evans
Matthias Adams
Dan^ll^ Garret
Benj^a^ Blunt
Zach^a^ Grikin
Will^m^ Barrett
Rich^d^ Swinson
W^m^ Mackie
Henry Gray
John Swain
Jas Smith
Sam^ll^ Spruil Sen^r^
Jon^a^ Bateman
Joshua Phelps
John Jennet
W^m^ Rofield
Edw^d^ Hewett
Brig^t^ Fitz Patrick
John Little
John Swain
Benj^a^ Bedford
Edw^d^ Stevens
Ephnet^s^ Griffin
Warren Andrews
Jno M^c^Caskey
Matthias Jevenner
Sam^ll^ Smithwick
Jno Stansell
James Swane
Edw^d^ Griffin
W^m^ Gardner
Joseph Mercer
Tho^s^ Jones
John Willard
Jos^ph^ Hudson
Will^m^ Morris
Jn^o^ Walker
James Blunt
Corn^s^ Callehan
Nath^ll^ Everett Jun^r^
Edw^d^ Blunt
Will^m^ Ray
Rich^d^ Kenneday
Stevens Lee
Joshua Worley
Edward Holt
Thom^s^ Davis
Henry Norman
Nathan Bateman
Anth^o^ Alexander
Geo Phillips
W^m^ Wilson
Tho^s^ Best
Sam^ll^ Durant
John Midleton
Lamb Alexander

Ordered the following message be sent to the upper House with the aforesaid List.

MAY IT PLEASE YOUR HONOURS

This House have resolved that the several Lists of Jurymen herewith sent for the several Countys in this Province be added to the former Lists To w^{ch} wee desire your Honours concurrence.

The House adjourned till tomorrow 9 of the clock.

Tuesday the 26th of Feb^{ry} 1739. [1740] The House met according to Adjournment

M^{r} Lowder one of the Members for Currituck County mov'd that the following persons might be exempt from all publick Services & paying all publick Taxes Viz^{t} Tho^{s} Broglin John Kory Martin Boling

Ordered The said motion be Granted

M^{r} Brice mov'd this House, that Mathew Sams might be exempt from all publick Services & from paying all publick & Parish Taxes The same is Granted.

M^{r} Brown One of the Members of Bertie County mov'd this House that Benj^{a} Johnson might be Exempt from paying publick & parish Taxes & all publick service The same is Granted

Ordered the Clerk of this House have and receive Ten Shillings Bill Money for each Certificate for exempting persons from publick Service &c

Rec'd from the upper House, A Bill for An Act to ascertain the allowance of his Majesty Council & the Members of Assembly of this Province wth Amendments.

S^{r} Rich^{d} Everard mov'd that M^{r} Sumner M^{r} Alderson M^{r} Sam^{ll} Swann M^{r} Geo Roberts M^{r} Dawson M^{r} Bryan M^{r} Blount M^{r} Bartram M^{r} Smithwick be appointed to Joyn the Members of the upper House to Value the Excha of the Currency of this Province And they were accordingly appointed

Resolved Considering the many confusions that have for many past years prevailed in this province there is an absolute necessity for Inspecting all the Records & Offices in this Province the Propertys of the Inhabitants thereof

Resolved That Commissioners be appointed to Inspect the same & lay the State thereof before the Gen^{ll} Assembly of this Province at the next Session & also a State of the Records and the said Commiss^{rs} are hereby impowered to inspect all and every Office within this Province. And that members or the Majority of them for each County do examine

the Records of the Several Countys they represent and Report the same as before

Ordered That John Montgomery Esq^re^ be added to the Members of Chowan County to Inspect the Gen^ll^ Court Office and Secretarys Office there

And that M^r^ Sam^ll^ Swann M^r^ John Swann & S^r^ Rich^d^ Everard Inspect the Secretarys Office at Cape Fear.

And that M^r^ Speaker be added to the Members of any of the Countys requiring his Assistance, to Inspect the Records of any of their Countys

Ordered That an address be presented to his Excell^cy^ the Gov requesting him to give proper Orders to the Several & Respective Officers to pay due Regard to the above Resolves.

Rec^d^ from the upper House the message in relation to the Jury List. Endorsed on the Back that this Rule be observed untill the next session of Assembly: And Further Endorsed. That this Rule be observed until the next Assembly & that the Clerk of the Assembly enter the same Lists on the Journal & deliver to M^r^ Chief Justice a Copy of the Same to cause Scroles to be made thereby to be put into the balloting box.

Rec^d^ from the upper House a Bill for an Act for confirming Titles to the Town Lands of Edenton

M^r^ Montgomery mov'd his Excell^cy^ be address'd to direct a Writ to Issue to Elect a Member for Tyrell County in the Room of M^r^ Castelau who was chose for Bertie & Tyrell Countys having declared He serves for Bertie County. . . . .

Ordered that M^r^ Montgomery draws & present the s^d^ address

S^r^ Rich^d^ Everard reported from the Committee of Publick Accounts as follows Viz^t^

M^r^ Simon Anderson Treasurer of Beaufort County exhibited to the Committee his Acco^t^ of the Collection of the five Shilling poll Tax for the s^d^ County for the Year 1736. 1737. 1738. 1739 and paid in to the Committee the Sum of Four hundred eighty seven pounds the ballance thereof.

The s^d^ M^r^ Anderson also delivered to the Committee the Sum of Eighty nine pounds being part of the Loan Money; There being due from Coll^o^ Robert Turner on the Ballance of his Acco^t^ last March the Sum of One hundred ninety two pounds seven shillings and seven pence he appeared before the Committee and after deducting sundry claimes heretofore allowed him by the Assembly as also the Wages due unto him when he was an Assembly Man the Total whereof Amounted to One hundred & five pounds thirteen Shillings he paid the Sum of Eighty Six pounds fifteen Shill being the Ball due from him M^r^ Leary exhibited M^r^ Eth-

eridges Acc^{t} of the pole Tax for Currituck County for the Year 1731 at 3^{s} for the remainder of the 5^{s} pole Tax for the year 1736 for the pole Tax of 5^{s} for the year 1737. on which there appears due to the Publick the Sum of One hundred thirty pounds thirteen Shillings & five pence which he paid

M^{r} James Castellaw paid Two hundred pounds in to the Committee in part of the poll Tax for Bertie County.

Coll^{o} M^{c}rora Scarbrough exhibited M^{r} Cha^{s} Denmans Acc^{t} of the Emission of Loan Money whereby It appears there is due to the Publick five hundred sixty two pounds fifteen shillings & Tenpence as by that Acc^{t} lodg'd wth the papers of This Committee also such pole Tax money, as the s^{d} Denman rec'd for the Year 1735. It is Order'd That the s^{d} Coll^{o} Scarbrough Treasurer of Pequimons do receive the aforesaid Sums of M^{r} Denman's Widdow and account with the publick for the same

M^{r} James Wainwright exhibited his Acc^{t} on which there appeared a Ballance due from him the Sum of Two hundred & sixty Seven pounds fifteen shillings & tenpence halfpenny which he paid

Note this Acc^{t} includes only the ballance due from him at last Settlement in Feb^{ry} 1738 & four years 5^{s} pole Tax but that Tax is not fully collected by him & therefore includes only such as he has already received;

The Committee report that M^{r} John Tripp hath not paid One hundred forty three pounds ten shillings he is indebted to the publick

Resolved by the Committee that all Treasurers and other persons who have any concerns with the publick Moneys have notice from the Clerck of the Assembly to attend the first day of the next Session of Assembly to account for & pay the Respective Sums they are indebted to the Publick

Feb^{ry} 26th 17$\frac{39}{40}$

S^{r} Richard Everard Chairman allowed by the House to the Committee for Clerck and Expences Twenty two pounds fifteen Shillings

To all which the House assented

Rec'd a Message from the upper House as follows

M^{r} Speaker & Gen^{t}

On reading the Bill for ascertaining the Allowance of the Members of Council and Assembly &c This House have come to the following resolution.

That an Amendment be made to the Bill by adding an Allowance for Ferriages to the Members of Council &c Assembly & that one day

more be added to the Members of Tyrell County for coming and going to both which we desire your concurrence before We put the Bill for passing in this House.

MAY IT PLEASE YOUR HONRS

In answer to your Message relateing to the Allowance of the Members of Council & Assembly Wee concurr with the Amendments proposed not including Servants & Servants Horses

Sent a Message to the Upper House as follows

MAY IT PLEASE YOUR HONOURS

Pursuant to an Act of Assembly pass'd in March last. Wee have appointed the following persons with Mr Speaker to joyn your House to value the Exchange of the Currv of this Province Mr Sumner Mr Anderson Mr Samll Swann Mr Roberts Mr Dawson Mr Thomas Bryant Mr Jno Blount Mr Bartram & Mr Smithwick who are ready to proceed on the same when your Honours will be pleased to give them notice.

Mr Craven mov'd to withdraw the Bill for an Act for confirming Titles to the Town Lands of Edenton &c

Ordered he have leave to withdraw the same which he did accordingly.

Resolved that the Indians ought to have Liberty till next Session of Assembly to hunt on all peoples Lands they keeping out of Inclosures & not burning the Woods near any persons plantations and do no Damages to Peoples stocks & behaving themselves orderly

And that a Message be sent to the upper House for their concurrence

The House adjourned till 2 of the clock in the afternoon

The House met according to adjournment

Reported by Mr Roberts from the committee of claims as follows Vizt

Allowed Mr Richard Evans for old Bills in the year 1722.	8 "	10 "	0
To Christo Dudley Eleven days horse hire at Seven shills & sixpence ℔ day pressd by Mr Trotter	4 "	2 "	6
To Wm Bartram for a Negro Executed	200 "	0 "	0
To Thomas Lowther for acting as Coroner on three Inquisitions Including all Expenses	10 "	0 "	0
To Francis Singfield for Twelve days horse hire at 10s ℔ day pressed by Geo Lisle	6 "	0 "	0
To Collo Willm Wilson for Executing Catharine Sullivan	5 "	0 "	0
To watching the Goal	5 "	0 "	0

To Dyet for the s[d] Sullivan whilst in Prison	7 "	18 "	0
To Prison Fees	3 "	15 "	0
For Gallows and Halter	3 "	15 "	0
To James Craven for attending as Clerck of a Special Court held at Edenton for Tryal of Three Negroes belonging to M[r] Edward Gale & James Potter	5 "	0 "	0
To Ditto as Clerk on the Tryal of a Negro belonging to M[r] Dan[ll] Pugh	5 "	0 "	0
To D[o] for acting in Tryal as afores[d] of a Negro belong[s] to M[r] Jas Farloe	5 "	0 "	0
To D[o] for the same Service on the Tryal of a Negro belonging to Tho[s] Jones	5 "	0 "	0
M[r] Rob[t] Forster produced several claims to this House . . . . to the Amount of one hundred & Twenty pounds w[ch] was allowed			
M[r] Craven Clerck of a Special Court for Trying of a Negro Man slave belonging to M[r] Dan[ll] Pugh produced a Copy of the Record Setting forth that the S[d] Slave was valued at one hundred & Eighty pounds referr'd to the House & allowed			
M[r] John Dawson produced a Claim on behalf of Rowland Williams for a Negro named Will Executed according to Law & valued at Two hundred pounds allow'd	200 "	0 "	0
To W[m] McKay for summoning 113 persons to serve as Jury Men on Several Courts held at Edenton allow'd as the Law directs	£ 28 "	5 "	0
To D[o] for commitment of Geo Arger for Felony & maintaining him in Goal four Months Including all his Fees	£ 20 "	0 "	0
To D[o] for Commitment of Jno M[c]Donald and Maintaining him in Goal	8 "	0 "	0
To D[o] for watching Edenton Goal whilst M[r] Buncombs Negroes were therein	1 "	0 "	0
To D[o] for Repairing the Court House		10 "	0
To D[o] for Commitment of Jos Bass & maintaining him Ten days	2 "	10 "	0
To D[o] for Repairing Edenton Goal	11 "	0 "	0
To D[o] for Executing three Negroes Two belong[s] to M[r] Buncombe & one to M[r] Gale	9 "	0 "	0

To Dennis Sherlock for Expences of the Committee for Rating the Commoditys	3 "	0 "	0
To Geo Bould for house Room fire & Candles for this Committee	10 "	0 "	0
To Mr Chief Justice paid for Erecting a Pillory at Edenton	13 "	0 "	0
To James Coor Clerck of the Committee	10 "	0 "	0
To Mr Herritage for Stationary Ware	15 "	0 "	0

Which was allowed by the whole House.

Resolved That the Publick Moneys Recd by Sr Richard Everard Chairman of the Committee of publick Accots be paid into this House immediately. And that a Message be Sent to the upper House for concurrence as follows.

MAY IT PLEASE YOUR HONOURS

This house having resolved that the publick Moneys rec'd by Sr Richd Everard Chairman of the Committee of Public Accounts. be passed in this House immediately. Desire your Honours concurrence.

Ordered That all Publick Treasurers and other Persons who have any concerns with Publick Money & Publick Accots have notice to attend this House the first day of next Session of Assembly to acct for pay their Respective sums they are indebted to the Publick . . . . . And that the Clerck of this House signify such Notice by Advertisement.

Ordered That the Report of the Committee of publick Accots be sent to the upper House for concurrence

Recd the message sent to the upper House by this House in Relation to Sr Richd Everard his paying the publick moneys he has recd this Session to this House

Endorsed in the upper House concurred with

W. SMITH P

Sent the following message to the upper House

MAY IT PLEASE YOUR HONrs

This House is of opinion considering the many confusions that have prevailed in this Country there is an absolute necessity for Inspecting all the Records and Offices of this Province upon which the estates & propertys of the People wee represent are so essentialy concerned. And that Commissrs be appointed to Inspect the same and lay the State thereof before the Genll Assembly at their next meeting and Impowered to Inspect all & every Office and Offices in this province. And desire your Honrs Concurrence to the same and also to joyn with us in an Address to his Excellcy that he would be pleased to give proper Order to the Respective Officers to pay due Regard to the said Resolve:

Rec'd the Bill for an Act to ascertain the Allowance of his Majesty's Council &c with Amendments as also the following Message

Mr Speaker & Gent

Wee cannot recede from our Opinion that the ferriage of the Servants & horses of the Members of Council & Assembly be added to the Bill for allowances of his Majestys Council & the Members of Assembly Wee have therefore incerted that Amendment and pass'd the Bill thereon:

Mr Speaker reported to this House the Rect of the aforesaid Bill and Endorsement

Ordered the same to be Engross'd

Sr Richd Everard delivered to this House Twelve Hundred thirty Eight pounds seven shillings from the Committee of publick Acco

Ordered the same be lodged in the Hands of the Clerck of this House

Resolved that the Wages due to the Servants of both Houses & Wages due to the Members of former Assemblys be first paid out of the Moneys this day paid into this House by Sr Richard Everard and that the following Message be sent to the upper House for concurrence

May it please your Honrs

This House having Resolved that the Wages due to the Servants of both Houses & the Wages due to the membrs of former Assemblys be first paid out of the Moneys this day paid in to this House by Sr Richd Everard Desire your Honours concurrence

The House adjourned till tomorrow morning seven of the clock

Wednesday the 27th of Febry 1739. [1740] The House met according to Adjournment

Recd from the upper House a Message in relation to the Petn of Dugald M°Neal & others as follows

In the upper House of Assembly Febry 26th 1739]1740]

The House taking into Consideration the Petn of Dugald M°Neal & Cole M°Alister in behalf of themselves & others referr'd to this House by the Lower House This House came to the following Resolutn Viz

Resolv'd that the persons mentioned in the sd Petn shall be freed from payment of any publick or Country Tax for Ten years next ensuing their Arrival

Resolved that towards their Subsistence the sum of One Thousand pounds be paid out of the publick Money by his Excellcy Warrant to be Lodged with Duncan Campbell Dugald M°Neal Danll M°Neal Cole M°Alister & Neal M°Neal Esqre to be by them distributed amongst the several Families in the said Petition mentioned

Resolved that as Encouragem^{t} for protestants to remove from Europe into this Province to Settle themselves in Bodys or Townships that all such as shall so remove into this Province Provided they exceed forty persons in one body or Company they shall be exempted from payment of any publick or Country Tax for the Space of Ten years next ensuing their Arrival

Resolved that an Address be presented to his Excell^{cy} the Gov^{r} to desire him to use his Intrest in such manners as he shall think most proper to obtain an Instruction for giving Encouragement to Protestants from Foreign parts to settle in Townships within this Province to be set apart for that purpose after the manner and with such priviledges & Advantages as are practised in his Majestys Province of S^{o} Carolina

Resolved That this House concurs with the several Resolves of the Upper House in the aboves^{d} Message Except that relateing to the thousand pounds which this House refers till next Session of Assembly for Consideration.

The House adjourned for one Hour.

The House met according to Adjournment.

Sent the following Message to his Excell^{cy} the Gov^{r}

MAY IT PLEASE YOUR EXCELL^{cy}

This House having appointed Commiss^{rs} to Inspect all the Records & Offices in this Province & to lay the State of the same before the Gen^{ll} Assembly of this Province at their next meeting

Humbly addressed y^{r} Excell^{cy} That you would be pleased to give orders to the Several and Respective Officers of the s^{d} Offices in this Province to pay due Regard thereto & also that you would be pleased to give such directions therein that the State of the Said Records may be laid before this House the next Session of Assembly: To which his Excell^{cy} assented.

Rec^{d} from the Upper House the message sent by this House concerning the Indians hunting &c

Endors'd concurred with W SMITH P

Sent the following Message to his Excell^{cy}

MAY IT PLEASE YOUR EXCELL^{cy}

It appearing to this House that M^{r} James Castelaw was chose Representative for Bertie & Tyrel Countys. It being demanded of him by this House which of the said Countys he would serve for declared for Bertie therefore One Member is wanting to Represent Tyrol County

aforesd Desire your Excellcy would be pleased to direct the Clerck of the Crown to Issue a Writ for the Choice of a Representative for sd County in the Room of Mr James Castelaw To which his Excellcy assented.

Receiv'd the message sent to the Upper House relating to the payment of the Servant Wages of both House &c

Endorsed In the Upper House concurred with.

W SMITH P.

Ordered the same be sent to his Excellency the Govr for Assent Who returned the same Endorsed Agreed to by G J.

Recd the following Message from the Upper House

Mr Speaker & Gentn

Wee have recd by Mr Swann the Report of the Committe for both Houses on the claimes allow'd of by your House & Sign'd by the Speaker

As wee cannot doubt but this Paper was sent up for our Concurrence, Wee have upon Reading & considering the same & from the Report of the Gentn of our House: on that Committee and thought proper to Add four pounds to the Article of Richard Lovett for Stationary Ware which makes the sum Eighteen pounds. To which wee desire your concurrence.

His Excellcy sent to this House Commanding their Attendance at the Council Chamber with what Bills are Engrossed

This House waited on his Excellcy the Govr at the Council Chamber: And Mr Speaker presented to his Excellency the Act for ascertaine an Allowance to his Majestys Council and the Members of Assembly Which was ready Recd his assent.

Then His Excellency was pleas'd to prorougue this Assembly to Edenton the second Tuesday in November next

Mr Speaker with the House return'd And pronounced the Prorogative accordingly

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North Carolina—ss.

[Journal of the Upper House of Assembly beginning 31 July & ending 22 August 1740. The first portion is evidently wanting altho' the pages run in consecutive order in this volume.—W. N. S.]

Saturday the 2nd [August] The House met accord to Adjournment

Present

The Honourble { Robert Halton, Edwd Moseley, Mathw Rowan, Cullen Pollock, James Murray } Esqrs Members

Then His Excellency was please to come to the House and M^{r} President read to him the Address of the Board in answer to his Speech for which his Excell^{cy} was pleased to return his thanks

Then the House adjourned until Monday Morning, Ten of the Clock.

Monday the 4th The House met according to Adjournment
Present The Hon^{ble} William Smith Esq^{re} President.
The Honourable { Mathew Rowan, Cullen Pollock, Edward Moseley, James Murray } Esq^{rs} Members
And adjourned until to-morrow morning, Ten of the Clock.

Tuesday the 5th The House met according to Adjournment
Present the Hon^{ble} William Smith Esq^{re} President.
The hon^{ble} { Math^{w} Rowan, Edw^{d} Moseley, James Murray } Esq^{rs} Members
And adjourned until to-morrow morning, Ten of the Clock.

Wednesday the 6th The House met according to Adjournment
Present The Hon^{ble} William Smith Esq^{re} President.
The Hon^{ble} { Nath^{l} Rice, Edw^{d} Moseley, Math^{w} Rowan, Cullen Pollock, James Murray } Esq^{rs} Members
And adjourned until to-morrow morning, Ten of the Clock

Thursday the 7th The House met according to Adjournment.
Present The Hon^{ble} William Smith Esq^{re} President.
The Honour^{ble} { Nath^{l} Rice, Edw^{d} Moseley, Math^{w} Rowan, Cullen Pollock, James Murray } Esq^{rs} Members
M^{r} Blount & M^{r} Craven brought up the two following Bills.
A Bill, for the better regulation of the Militia.
A Bill to Enable the Com^{rs} therein mentioned to finish the Church at Edenton. In the Lower House, Read the first time & passed.
Then the House adjourned untill Ten of the Clock, in the morning

Fryday the 8th The House met according to Adjournment.
Present The hon^{ble} William Smith Esq^{re} President.
The Honour^{ble} { Nath^{l} Rice, Edw^{d} Moseley, Math^{w} Rowan, Cullen Pollock, James Murray } Esq^{s} Members.
The Bill for finishing the Church at Edenton
The Bill for regulating the Milita. Read and passed with Amendment.
Then the House adjourned until to-morrow morning Ten of the Clock

Saturday the 9th The House met according to Adjournment.
Present The Honble William Smith Esqre President.
The Honourble { Nathl Rice, Edwd Moseley, Mathw Rowan, Cullen Pollock, James Murray } Esqrs Members
And adjourned until Monday morning, Ten of the Clock.

Monday the 11th The House met according to Adjournment.
Present The Honble William Smith Esqre President.
The Honourble { Nathl Rice, Edwd Moseley, Mathw Rowan, Cullen Pollock, James Murray } Esqrs Members.
Mr Craven & Mr Blount Brought up the two following Bills, Vizt
The Bill for finishing the Church at Edenton. In the Lower House Read the second time and passed with Amendments.
A Bill for granting an Aid to His Majesty, & to defray the Expenses of Transporting the several Troops inlisted in His Majesties service in this Colony, & to ascertain the method of paying all Taxes & Levys in Commoditys, & for other purposes therein mentioned. In the Lower House Read the first time and passed.
Mr Roberts & Mr Bould. Brought up the following Bills, Vizt
A Bill to Exempt the Inhabitants of Bath Town from working on the Publick Roads, & to oblige the said Inhabitants to clear & keep clear the Streets of the said Town, in good Order.
A Bill to enable the Commissioners therein appointed, to Erect & finish a Church at Newbern in Craven County and for the better Regulation of the said Town, and other purposes therein mentioned.
A Bill for the Effectual Establishing a Ferry from Bath Town, and for preventing any Ferry, within Ten Miles of said Town, & other purposes therein mentioned. In the Lower House. Read said Bills, the first time and passed.
Then the House adjourned till Three of the Clock, in the afternoon

Post Meridn The House met according to Adjournment.
Present The Honble William Smith Esqre President.
The Honourble { Nathl Rice, Edwd Moseley, Mathw Rowan, Cullen Pollock, James Murray } Esqrs Members.
And Adjourned until to-morrow morning, Ten of the Clock.

Tuesday the 12th The House met according to adjournment.
Present the Honble William Smith Esqrs President.
The Honourble { Nathl Rice, Edwd Moseley, Mathw Rowan, James Murray } Esqrs Members.

The Bill for finishing the Church at Edenton Read the second time & passed.

The Bath Town Bill, & the Bath Town Ferry Bill.

The Bill for a Church at Newbern.

The Bill for granting an Aid to his Majesty. Read the first time and passed.

Then the House Adjourned until Three of the Clock in the Afternoon.

Post Meridian. The House met according to Adjournment.

Present The Hon^ble^ William Smith Esq^re^ President.

The Honour^ble^ { Nath^l^ Rice, Math^w^ Rowan, Rob^t^ Halton, Edw^d^ Moseley, James Murray } Esq^re^ Members

M^r^ Chief Justice Smith complained to the House of a Libel, fixed at the door of the Gen^ll^ Court House of this Province, and other places in the Town of Edenton with the name of Archibald Hamilton subscribed thereto. Which as he apprehended, much Reflected upon his Conduct and Character as Chief Justice, & desired that the same might be read. Which accordingly was Read in these Words.

North Carolina—ss.

Whereas it hath been industriously Reported, & handed about in divers Places, & many Companys without any just Foundation, that Daniel Hamer Esq^re^ did under his hand, in a Petition by him signed, & directed to the Hon^ble^ William Smith Esq^re^ Chief Justice of this Province, Confess himself guilty of Perjury, Now as I have been the Spring of that affair, in order to do M^r^ Hamer that Justice which is due to him, I do hereby certify that I did advise M^r^ Hammer to Petition the Chief Justice to respite the sentance given against him for perjury, and that I did immediately draw a Petition in great haste and carry it to M^r^ Hanmer, then in prison, and persuaded him to sign it, telling him that he had no other way to save himself from the ignominy of the Pillory, and that by gaining a little time to lay the whole affair before the Governour he might have that Judgment reversed, which was in my opinion altogether Illegal, the Indictment being manifestly Erroneous and the Tryal contrary to a positive Law of this Province, then and now in force; And I do further Certify that I did not intend any Confession of Perjury, but only a General Confession of Sins, and a hearty concern for being thought Guilty of any Crimes, without coming to any particulars. And that if there is any other, it was occasioned through haste and inadvertance, and also that I do believe, that M^r^ Hanmer had not time to read over the Petition before he signed it, This I am ready to prove

upon Oath when called to it. In Witness whereof I have put my Hand this Twentieth day of May, Anno Domini, One Thousand seven hundred and forty.

And the said Chief Justice, also produced a Petition of the said Daniel Hanmer's to which the said papers referred, Viz^{t}

The Humble Petition of Daniel Hanmers Humbly Sheweth,

That your Petitioner to his great grief & sorrow being convicted of a very heinous Crime, is sentenced to a very ignominious Punishment.

That your Petitioner hath large Dealings in this Province, and that if the Sentance is carryed to Execution your Petitioner & his family will be for ever ruined.

But your Petitioner hath much greater sorrow that he should be found guilty of an offence so great in the sight of God; and so detestable among Men than for all the ruin that will fall on him for which Crime, he shall always have a True and sincere Repentance.

Your Petitioner therefore throws himself at your Honour's feet, and trusting to your great Clemency, implores your Honour's compassion, and begs that your Honour will remit the ignominious part of the sentance, or at least suspend it, until his Excellencys pleasure is known, from whom he intends, if your Honour will be so kind and good to suffer it to Implore a Pardon.

And your humble Petitioner as in duty bound, shall ever pray

Sign'd DAN^{l} HANMER.

Which Petition was also Read.

Then M^{r} Chief Justice moved that the House might take the same under their Consideration, and then withdrew. Which the House accordingly did, and after some debate thereon, was pleased to come to the following Resolution Viz^{t}

Resolved by this House, that the before mentioned Advertisement is false, scandalous, malitious & seditious Libel, and tending to the subvertion of the General Court of this Province.

A Bill to Enable the Commissioners therein named, to build a Bridge over Livingstons Creek between New Hanover & Bladen Countys. Read the first time & Passed.

M^{r} Farris & M^{r} Bartrame Brought up the Bill for Regulation of the Militia. In the Lower House read the second time, & passed. In this House read the second time, & passed.

M^{r} Craven & M^{r} Blount Brought up the Bill for finishing the Church at Edenton. In the Lower House read the third time & passed.

The Bath Town Bill

The Bill to Erect & finish a Church at Newbern.

In the Lower House read said Bills the second time & passed.

In this House read the Bath Town Bill the second time & passed.

Then the House Adjourned, untill to-morrow morning, Ten of the Clock.

Wednesday the 13th. The House met according to Adjournment.

Present the Honble William Smith Esqre President.

The Honourble { Nathl Rice, Robt Halton, Mathw Rowan, Edwd Moseley, Cullen Pollock, James Murray. } Esqrs Members.

Mr Chief Justice again moved the House, that the Advertisement read yesterday, as he conceived much reflected upon his Character & Conduct as Chief Justice of this Province. And desired that the House would be pleased to further consider the thing, & give their Opinion thereon. And then withdrew. Which the House took under their Consideration, and then made the following Resolve. Viz^{t}

Resolved by this House that the said Mr Chief Justice Smith has behaved with great Honour, Integrity & Capacity in his Office as Chief Justice, during the Time he has acted in the same in this Province.

And that the said Advertisement is false, scandalous & malitious Libel, and tending to the subvertion of the General Court and Government in General.

The Bill for finishing the Church at Edenton. Read the Third time & passed: And ordered to be Engrossed.

Mr Castelaw & Mr Smithwick Brought up the following Bills, Viz^{t}

The Bill for granting his Majesty an Aid In the Lower House read the second time & passed with Amendmts

A Bill for an Act to Enable the Justices of Tyrel County to build a Warehouse in Tyrrel County upon Scuppernong River for Receipt of His Matys Quit Rents. In the Lower House Read the first time & passed.

A Bill to Enable the Parish of St Andrews in Tyrrel County, & the South West of Pasquotank County to elect Vestrys. In the Lower House Read the first time & passed.

Mr Peyton & Mr Rigby Brought up the Bath Town Ferry Bill. In the Lower House Read the second time & passed with Amendts

Mr Bartram & Mr Starky Brought up the following Bills, Viz^{t}

A Bill for amending an Act, for settling the bounds of Lands & to Dock the Entails of small parcells of Lands, & for preventing shooting & hunting in other Persons Lands.

The Bill for building a Bridge over Livingston's Creek.

In the Lower House Read said Bills the first time & passed.

Then, the House Adjourned until to-morrow morning, Ten of the Clock.

Thursday the 14th. The House met according to Adjournment.

Present The Honble William Smith Esqre President.

The Honourble { Nathl Rice, Robt Halton, Mathw Rowan, Edwd Moseley, Cullen Pollock, James Murray. } Esqrs Members.

"The Bill for settling the Bounds of Lands" etc. Read the first time & passed with Amendments.

"The Bill for Building a Bridge over Livingston's Creek." Read the second time & passed with Amendments.

"The Bath Town Ferry Bill."

"The Bill to Enable the Parish of St Andrews to Elect Vestrys."

"The Bill for building a Warehouse upon Scuppernong."

Read said Bills the first time & passed.

Mr Bartram & Mr Farris Brought up the following Bills, Vizt

A Bill to appoint able & skilful Clerks for the several County Courts within this Government, & for the better securing & keeping the Records of the same. In the Lower House Read the first time & passed.

The Bill to Enable the Parish of St Andrews in Tyrrel County to Elect Vestrys. In the Lower House, Read the second time & passed.

A Bill for the further and better Regulation of the Town of Wilmington in New Hanover County, & to Establish the Church of the Parish of St James in the said Town. In the Lower House, Read the first time & passed.

The Bill for building a Bridge over Levingston's Creek. In the Lower House, Read the second time & passed.

In this House Read the Bath Town Ferry Bill the second time & passed with Amendments.

Then the House Adjourned until three of the Clock in the afternoon.

Post Meridian. The House met according to Adjournment.

Present The Honble William Smith Esqre President.

The Honourble { Nathl Rice, Robt Halton, Mathw Rowan, Edwd Moseley, Cullen Pollock, James Murray } Esqrs Members.

The Newbern Church Bill Read the second time & passed with Amendments.

The Wilmington Bill Read the first time & passed.

Mr Farris & Mr Bartram Brought up the Bill for Building a Warehouse upon Scuppernong. In the Lower House read the second time & passed.

Mr Farris & Mr Bartram Brought up the Newbern Church Bill. In the Lower House, read the third time and passed.

Then the House Adjourned until to-morrow morning, Ten of the Clock.

Fryday the 15th. The House met according to Adjournment.

Present

The Honourble { Nathl Rice, Robt Halton, Mathw Rowan; Edwd Moseley, Cullen Pollock, James Murray } Esqrs Members.

The Bill appointing Skilful Clerks. Read the first time & passed.

Mr Craven & Mr Blackhale Brought up the two following Bills, Vizt

A Bill for to Establish John Hodgson Esqre Treasurer of the County therein mentioned. In the Lower House read the first time & passed.

The Wilmington Bill. In the Lower House read the second time & passed with Amendments.

Mr Peyton & Mr Craven Brought up the Clerks Bill. In the Lower House read the second time, & passed with Amendments.

Mr Craven & Mr Blackhale Brought up the Bath Town Bill. In the Lower House read the third time & passed with Amendments

The Bill for granting his Majesty an Aid. Read the second time & passed with Amendments.

The Newbern Church Bill Read the third time and passed, Ordered to be Engrossed

Then the House adjourned until three of the Clock in the afternoon.

Post Meridian. The House met according to Adjournment.

Present The Honble William Smith Esqre President.

The Honourble { Nathl Rice, Robt Halton, Mathw Rowan; Edwd Moseley, Cullen Pollock, James Murray } Esqrs Members.

The Bill for building a Bridge over Livingston's Creek. Read the third time & passed, Ordered to be Engrossed.

"The Wilmington Bill" Read the second time & passed.

"The Treasurers Bill" Read the first time & passed.

"The Bath Town Bill" Read the third time & passed & Ordered to be Engrossed.

Then the House adjourned untill to-morrow morning, Ten of the Clock.

Saturday the 16th The House met according to Adjournment.

Present The Honble William Smith Esqre President.

The Honourble { Nathl Rice, Robt Halton, Mathw Rowan; Edwd Moseley, Cullen Pollock, James Murray } Esqre Members

The Bill for building a Warehouse upon Scuppernong. Read the second time & passed with Amendments.

The Bill for the Parish of S^{t} Andrews to Elect Vestrys. Read the second time & passed.

The Clerks Bill. Read the second time & passed with Amendments.

Then the House adjourned until three of the Clock in the afternoon.

Post Meridian The House met according to Adjournment.

Present The Hon^{ble} William Smith Esq^{re} President.

The Honour^{ble} { Rob^{t} Halton, Edw^{d} Moseley, Math^{w} Rowan, James Murray } Esq^{rs} Members

M^{r} Farris & M^{r} Bould. Brought up the following Bills, Viz^{t}

The Bath Town Ferry Bill.

The Wilmington Bill.

In the Lower House read the third time & passed. In this House read the third time & passed. Ordered to be Engrossed.

"The Treasurers Bill." In the Lower House read the second time & passed. In this House, read the second time & passed.

"The Bill to Enable the Parish of S^{t} Andrews to Erect Vestrys." In the Lower House, read the third time & passed.

"A Bill for an Additional Act to an Act Entituled An Act for providing his Majesty a Rent Role, & for securing his Majestys Rents, & for quieting the Inhabitants in their possession, & for the better Settlement of His Majesty's Province of North Carolina. In the Lower House, read the first time & passed.

M^{r} Craven & M^{r} Benbury Brought up a Bill to prevent mischiefs, and Ill Consequences which may arise by slaves unlawfully assembling, and also to prevent Slaves from running away, or assembling themselves in the night time from their Owners Plantations, or Quarters, & for other purposes therein mentioned. In the Lower House, read the first time & passed.

M^{r} Craven & M^{r} Blackhall. Brought up a Bill to Confirm the Titles to the Town Lands of Edenton, for securing the Priviledges heretofore granted to the said Town, and for further Encouragement, and better Regulation thereof. In the Lower House read the first time & passed.

M^{r} Lee & M^{r} Peyton. Brought up a Bill to Enable the Justices to build a Warehouse upon Scuppernong. In the Lower House, read the third time & passed.

M^{r} Craven & M^{r} Blackhall Brought up the Bill for Granting an Aid to His Majesty. In the Lower House read the third time & passed.

M^{r} Lee & M^{r} Peyton Brought up the Levingston Creek Bill. In the Lower House read the third time & passed. Ordered to be Engrossed.

Mr Peyton & Mr Benbury Brought up the Clerks Bill. In the Lower House, read the third time & passed.

Then the House Adjourned until Monday Morning, Ten of the Clock.

Monday the 18th. The House met according to adjournment.

Present The Honble William Smith Esqre President.

The Honourble { Nathl Rice, Mathw Rowan, Robt Halton, Edwd Moseley, James Murray } Esqrs Members.

The Clerks Bill being read the third time Mr Rice, one of the Members of this Board produced to the House the following Objections, to the passing the said Bill which he desired might be read.

Which accordingly were read in these words, Vizt

Reasons & Objections offered by Nathaniel Rice Esqre Secretary of North Carolina, against the passing of a Bill intituled A Bill for an Act to appoint able & Skilful Clerks for the several County Courts within this Government, and for the better securing, and safe keeping the Records of the same.

That the Nomination of the Prects or County Clerks seems to be inherent to, & is a priviledge and appendage of the Secretarys Office, as he is inform'd in all Governments where there are Precincts or Countys, having Courts of Judicature, and that where it has been contested, it has always been given in favour of the Secretary.

That, he has always put in for Clerks, the fittest persons he could find, nor has any complaint been made to him of their unfitness, save in one place, and upon Mr Tart a Member of the Lower House his Representing it to him a new Commission was Ordered for that Clerkship immediately.

And whoever has the superintendency or Appointment can do no more than supply what is wanting, or recktify what is amiss upon Information which had he ever refused to do there might indeed have been some colour, for the present proceedings.

But so far from that upon a mere surmise & Loose report without any formal complaint being preferred, that some County Clerks were negligent of their Duty in one particular, he issued circular Letters to the Chairmen of the several County Courts, recommending to them to have a strict eye upon the Clerks, that they do their Duty, and desiring to know when they fail'd therein that such order might be taken in Relation to such Clerks as be found requisite to redress any Grievances complained of.

That, the Appointment of the Precinct now County Clerks by the Secretary, is of constant & uncontrolled prescription in this Province, from the very infancy of the Colony.

That he never could learn any Inconvenience to have resulted from Clerks holding more than one Clerkship, those persons who have done, One having been Deputy to the Secretary of this Province for seventeen years past, & the other several Years, & at this time Clerk of the General Court, both persons it may be supposed well versed in Forensical Affairs, & who have taken care, so to instruct their Substitutes, that the business of their Respective Courts have not at any time suffered by the absence of the Principal or Constituant, who by the way have generally officiated at the Courts in Person. Nor till now did he the Secretary ever know such Plurality to have been made a subject of Complaint.

That the Customary consideration & acknowledgement taken by the Secretary for the said Clerkships is so inconsiderable, as not to be worth mentioning, barely taking so far from being a Means or Occasion of the Clerks taking Exorbitant Fees, the Sum in each County at a Medium from the time of his arrival in the Province, not exceeding what used to be taken by his Predecessors. Notwithstanding the great increase of Business in those offices of late Years, And that if exorbitant Fees have been taken by any of them, it has not been by or with his Encouragement or Connivance.

That however in regard some of the Clerks assisted him, in carrying on the publick Business at the several places, where the same has been from time to time transacted; the depriving of the priviledge of appointing such Clerks, does in Effect render his Office of very little value, since now he must hire Clerks for those services at least in two places of the Government, which the incomes of his Post will by no means bear or afford, from which Consideration alone, the great hardships and injustice of this Bill will appear in a strong Light for as much as there is no Provision by way of Equivalent or Compensation as is usual in such Cases; & which was observed in the Case of the late Marshall when an Act was passed to take away his office.

Signed. NATH[l] RICE.

Then the question being put whether the said Bill should pass the third time, And carried in the Affirmative.

Then M[r] Secretary Rice & Edward Moseley Esq[rs] protested against passing the said Bill, for the reasons in the Protest set forth, which they desired might be read, and Accordingly the same was read, In the words Following, Viz[t]

The Protest of Nath[l] Rice & Edw[d] Moseley Esq[rs], Two of the Members of His Majesties Council, against passing the Bill for an Act to appoint able & skilful Clerks for the several County Courts within this Government, and for the better securing & safe keeping of the Records of the Same:

First. For that the Nomination of the Precinct or County Clerks, has always appertained to the Secretary, from the first Settlement of the Colony.

Second[ly] That it doth not appear that one single Proof hath been Exhibited of any Complaint being ever made to the Secretary of the unskilfulness or mismanagement of any Clerk, by him appointed.

Third[ly] That it doth not appear that the Secretary hath taken more from his Clerks, one with another than was accustomly taken by all his Predecessors.

Fourth[ly] For that no Consideration is given to the Secretary by way of equivalent for the loss of so great a Branch of his Office, as is usually observed in such Cases, & very lately, in the Case of the Marshall's Office.

Fifth[ly] Were this Branch of his Office to be taken from him, in our Opinion, it ought to be given to the Justices of the County Courts, agreable to the Constitution of our Mother Country, where the Sheriffs, who are Judges of the County Courts, appoint the Clerk of the County.

Sixth[ly] The Precaution used in this Bill to prevent Clerks from being hereafter Chosen Representatives in Assembly in Order to prevent a Dependancy, seems not to be worded so as to avoid the intended evil, for why ought the future Clerks to be excluded from sitting any more than the present Members of Assembly, who have left room for themselves to enjoy those Offices, and in our Opinion they ought to leave, as fair Room for their Successors.

Seventh[ly] This Bill being of an unusual & extraordinary Nature and Importance, ought not to pass according to the Royal Instructions, without a Clause therein incerted, suspending and deferring the Execution thereof, until the Royal Pleasure shall be known concerning the same, with the greatest Reason, it ought to be so in this Case, no care being taken to Recompence him for the loss he shall sustain, during the time he shall, by this Act, be divested of that Branch of his Office, in case His Majesty shall not approve thereof. Signed,

NATH[l] RICE, EDW[d] MOSELEY.

Ordered that the said Bill be sent down to the Lower House to be Engrossed.

"The Bill to Confirm the Titles, to the Town Lands of Edenton." Read the first time & passed.

"The Slave Bill." Read the first time & passed.

Mr Bould & Mr Sinclare Brought up The Treasurer's Bill. In the Lower House, Read the Third time & passed. In this House Read the Third time & passed. Ordered to be Engrossed.

"The Bill for Building a Warehouse at Scuppernong."

"The Bill to enable the Parish of St Andrews to Elect Vestrys." Read said Bills the Third time & passed. Ordered to be Engrossed.

Then the House adjourned until to-morrow morning, Ten of the Clock

Tuesday the 19th The House met according to Adjournment.

Present The Honble William Smith Esqre President.

The Honourble { Nathl Rice, Mathw Rowan, Robt Halton, Edwd Moseley, James Murray. } Esqrs Members.

"The Additional Quit Rent Bill." Read, & ordered to Lye upon the Table.

Upon reading the Bill for granting His Majesty an Aid etc, the Third time, the House took the same under their Consideration, and made the several Alterations, as in the following Message, Vizt

Mr Speaker & Gentn

Upon reading the Third time, the Bill for an Act for granting an Aid to His Majesty etc, We have made the following Amendments. To which Wee desire Your Concurrence.

Page 2nd. Rice per. Hundd Seven Shillings and Sixpence procln Money .... for that part of the Province only, heretofore known by the Name of Bath County.

2nd. Pork in good tight Barrells, at One Pound seven shillings, like Money ℔ bble.

8th. And in that Case the Justices granting such Warrts and the officer executing it shall not charge the Inspector any cost.

11th. Hogshead of Tobacco, containing at least seven hundred weight.

15th. Debts due by Judgment, or against whom Execution shall issue for any Debt or Debts hereafter to be contracted, only he shall carry the Commodities to a Publick Warehouse in the County where such Debtor has contracted such Debts.

Which was sent to the Lower House for their Concurrence.

Mr Craven & Mr Blackhall Brought up the following Bills, Vizt

"The Slave Bill."

"The Bill to confirm the Titles to the Town Lands of Edenton."

In the Lower House read said Bills the second time, and passed with Amendments.

Then the House adjourned until Three of the Clock in the afternoon.

Post Meridian. The House met according to Adjournment.

Present The Hon^{ble} William Smith Esq^{re} President.

The Honour^{ble} { Nath^{l} Rice, Edw^{d} Moseley, Rob^{t} Halton, Cullen Pollock, Math^{w} Rowan, James Murray. } Esq^{rs} Members.

Then the House again took the Subsidy Bill under their Consideration, and after some Debate thereon, it was put to the Vote whether the said Bill should pass upon the several Amendments made in the morning. Upon which the Bill was carried in the Affirmative. And ordered to be sent down to the Lower House, for their Concurrence, with the foregoing Message, which was accordingly done.

"The Bill for confirming the Edenton Lands." Read the second time and passed with Amendments.

Then the House adjourned untill to-morrow morning, Ten of the Clock.

Wednesday the 20th The House met according to Adjournment.

Present The Hon^{ble} William Smith Esq^{re} President.

The Honour^{ble} { Nath^{l} Rice, Edw^{d} Moseley, Rob^{t} Halton, Cullen Pollock, Math^{w} Rowan, James Murray. } Esq^{rs} Members

M^{r} Farris & M^{r} Caroon Brought up the following Message, Viz^{t}

MAY IT PLEASE YOUR HON^{rs}

This House having considered the Amendm^{ts} made by you in the Bill for Granting an Aid to His Majesty cannot concur to these Amendments following, Viz^{t}

First. To lesson the rate of the Rice to the price of 7^{s} 6^{d}, and that the same be taken only in Bath County.

Second^{ly}. To lessen the price of Pork 27^{s} ℔ Barr^{ll} nor to raise the Weight of a Hogshead of Tobacco from 500 to 700.

Upon which Articles this House desires a Conference, and that you will appoint the time.

The House on reading the above Message was pleased to send the following Answer Viz^{t}

M^{r} SPEAKER & GENT^{n}

In Answer to your Message relating to the Amendments in the Subsidy Bill, this House does assent to the Conference & is ready to receive your House immediately.

Mr Craven & Mr Blackhall Brought up the Bill for confirming the Edenton Lands. In the Lower House read the Third time & passed with Amendments.

Mr Speaker attended by the House, waited upon this House in the Council Chamber to confer upon the Articles of Amendments recited in the foregoing last mentioned Message, and after some time spent in debate withdrew to their House again.

Mr Montgomery & Mr Starkey Brought up the following Message Vizt

MAY IT PLEASE YOUR Honrs

This House upon debating the Matters on the three Articles in Conference with you, come to the following Resolutions.

First. That Pork be incerted in the Bill at Thirty Shillings, but pickled, instead of Dry salted.

Secondly. That Rice be incerted at 8s 4d, but shall extend to all parts of this Province.

Thirdly. That to the Article of Tobacco contained in a Hogshead, this House concurs.

To the foregoing Two Articles, this House desires your Honrs Concurrence. And also that it may be incerted that Beef be pickled.

To which this House was pleased to send the following answer Vizt

MR SPEAKER & Gentn

In answer to your Message desiring our Concurrance with some Resolutions of your House since the Conference, Wee must inform you have proceeded upon a mistake, for it is the opinion of this House, that since the Conferrence was after the third reading of the Bill in both Houses, Wee could only in that Conference give our reasons for making the Amendments but cannot consistant with the Rules of Parliament recede from any of these Amendments.

The Bill for confirming the Edenton Lands etc. Read the third time & passed. Ordered to be Engrossed.

Then the House Adjourned until to-morrow morning, Ten of the Clock.

Thursday the 21st

Present The Honble William Smith Esqre President.

The Honourble { Nathl Rice, Edwd Moseley; Robt Halton, Cullen Pollock; Mathw Rowan, James Murray } Esqrs Members.

Mr Blackhall & Mr Craven brought up the following Message. Vizt

This House having taken into Consideration the Matters in Conference in the Bill for granting an Aid to his Majesty etc. Resolved to concurr with your Amendments.

To which this House was pleased to send the following Answer.

Mr Speaker & Gentn

As you have concurred with our Amendments made in the Bill, for granting an Aid to His Majesty. This House desires the same to be Engrossed.

Mr Castelaw & Mr Starky brought up the following Message, Vizt

May it please your Honrs

This House taking into Consideration the Letter from the society for propogating the Gospel in foreign Parts, recommending Mr Garzia to have free Passage over the Rivers within his Mission, have Resolved, that all Missionaries within this Province, pass free from paying any Money, for their Ferrage over the Rivers within their respective Missions, And that the several Persons who keep such Ferrys, shall have a claim on and be paid by the Publick for such service. To which Wee desire your Honrs Concurrence.

On reading the aforesaid Message the House concurred with the same, the Ferry Man producing a Certificate.

Then His Excellency came to the House, & sent a Mandate to the Lower House Ordering their immediate attendance, with such Bills as were ready. Whereupon the Lower House in full body waited upon His Excellency and this House in the Council Chamber, & presented to His Excellency the following Bills. Vizt

"The Edenton Church Bill."

"The Parish of St Andrews electing Vestrymen."

"The Bill for building a Warehouse on Scuppernong," etc.

"The Bath Town Road Bill."

"The Newbern Church Bill."

"The Bath Town Ferry Bill."

"The Clerks Bill."

"The Wilmington Bill."

"The Treasurers Bill."

"The Edenton Town Land Bill."

"The Lexington's Bridge Bill."

To which His Excellency was pleased to give His Assent. And then left the House.

Then the Speaker, Attended by the Lower House, withdrew to their House

Then the House Adjourned untill Three of the Clock in the afternoon.

Post Meridian The House met according to Adjournment.
Present The Hon^ble^ William Smith Esq^re^ President.

The Honour^ble^ { Nath^l^ Rice, Math Rowan, Rob^t^ Halton, Edw^d^ Moseley, James Murray } Esq^rs^ Members

M^r^ Blackhall & M^r^ Craven Brought up the following Message, Viz^t^

MAY IT PLEASE YOUR HON^RS^

This House having resolved that M^r^ Craven lay out a sum not Exceeding One hundred Pounds, for repairing the Council Chamber at Edenton, against next Session of Assembly, and that he be refunded by the Publick. to which we desire your Hon^rs^ Concurrence. Concurred with by this House, & sent down to the Lower House.

M^r^ Farris & M^r^ Peyton, Brought up the Militia Bill. In the Lower House, read the Third time & passed. In this House read the Third time & passed. Ordered to be Engrossed.

Then the House Adjourned until to-morrow morning, Ten of the Clock.

Fryday the 22^nd^ The House met according to Adjournment.
Present The Hon^ble^ William Smith Esq^re^ President.

The Honour^ble^ { Nath^l^ Rice, Math^w^ Rowan, Rob^t^ Halton, Edw^d^ Moseley, James Murray } Esq^rs^ Members

Then His Excellency came to the House, and was pleased to Command the Immediate Attendance of the Lower House. With such Bills as were ready.

Whereupon the Speaker, Attended by the Lower House, waited upon His Excellency in the Council Chamber. And presented to His Excellency the following Bills. Viz^t^

"The Bill for granting his Majesty an Aid.

"The Militia Bill

To which His Excellency assented.

Then His Excellency was pleased to make the following Speech to Both Houses.

GENTLEMEN OF HIS MAJESTYS COUNCIL M^r^ SPEAKER & GENTLEMEN OF THE HOUSE OF BURGESSES.

I cannot put an End to this session, without expressing the highest satisfaction with the many great & Eminent Services, you have done your King & County, during this time of your sitting the Laws you have passed, whether Publick or of a more private Nature, are such as will convince the People you Represent how much you had their Inter-

est, and the Publick good at heart, And they are more in number, than ever were made by any Assembly in this Colony before.

It was a great pleasure to me at the beginning of your Meeting to observe you so unanimous in your Resolutions to assist His Majesty to do himself & his injured Subjects justice, against an insolent and barbarous Enemy, and if you had not been able to execute these Resolutions by reason of your different opinions as to the manner of doing it, I should have imputed this misfortune to any other Cause, rather than your want of Loyalty & Regard to His Majesty.

You have now given evident Proof of your unfeigned zeal, for His Majestys Service, and considering the Circumstances of the Country, contributed as Liberally as any of our Neighbouring Colonys the Funds you have granted are indeed rather too remote to answer the immediate and pressing Demands for Embarking the Troops, but as there was no possibility of avoiding this, as the affair of the Province stand at present, so I must do you the Justice to take Notice that nothing has been wanting on your parts, to prevent the bad Consequences that may arise from it.

I shall take care to Represent in the proper place with what cheerfulness and willingness you have complyed with His Majestys Demands, and how much his Subjects in this Province deserve his Countenance and Protection and I shall be particularly carefull, that what Taxes you have now laid on shall be prudently & frugally managed, and what saving can be made after paying the service of the intended Expedition, shall be fairly accounted for, and left entirely at your Disposalls.

GENTLEMEN OF THE HOUSE OF BURGESSES.

The Method you have prescribed this Sessions, for paying Publick Levys by the produce of the Country, will I hope very much quiet the minds of the People, and be attended with all the other good Effects you intend from it. I heartily wish it may lay a lasting foundation for the publick Peace & Tranquility, and made the necessary Charges of Government easy to the People.

I flatter myself I shall have the pleasure of meeting yon in the same happy Temper and Disposition next Spring, and against that time you will think of some proper and effectual means of Revising & Reforming your Laws and getting them printed which is absolutely necessary for the Security of your Liberties & Properties.

GAB: JOHNSTON.

Then His Excellency was pleased to prorogue this Assembly, to the last Tuesday in February next.

NORTH CAROLINA—ss.

At an Assembly begun & held at New Bern the fifth day of Febʳʸ Anno Domini One thousand seven Hundred & thirty nine in the fourteenth year of the reign of Our Sovereign Lord George the Second by the Grace of God of Great Britain France & Ireland King &c. and from thence continued by prorogation to the second Tuesday in November one thousand seven Hundred and forty (at Edenton the thirty first day of July Anno Domini one thousand seven Hundred and forty) being the second Session of this present Assembly.

Thirty five Members appeared and took the Oaths by law appointed

Pursuant to a Writt to the Sheriff of New Hanover County directed Commanding the sᵈ Sheriff to summon the freeholders of Wilmington to elect and choose a person qualified to sit and vote in the Genˡˡ Assembly of this Province

Returned Wᵐ Farris Esqʳᵉ duly chosen a Representative for the sᵈ Town.

The sᵈ Wm. Farris appeared & took the Oaths by law appointed for his qualification & subscribed the test & took his seat in the House accordingly

Received a Message from his Excelᶜʸ the Governour commanding the immediate attendance of this House

The House in a full body waited upon His Excellency the Govʳ pursuant to the sᵈ Message when his Excellency was pleased to make the following Speech

GENTⁿ OF HIS MAJESTY'S COUNCIL Mʳ SPEAKER & GENTⁿ OF THE HOUSE OF BURGESSES

I have summoned you to meet in Assembly before the time of your last prorogation is expired in order to lay before you some Instructions I have lately received from the King the Execution of which will admit of no delay—What his Majesty asks and expects from his Loyal and Faithfull subjects of this Province is so evidently just and reasonable in itself so visibly calculated for the advantage of all the American Colonies and demanded in so Gracious and condecending a manner that I cannot make the least doubt of your ready and cheerfull complyance.

In so critical a Juncture as this when the true and real foundation of the War is the Cruel and Insolent Interuption of the Navigation and Commerce betwixt his Majestys Subjects in America and Great Britain when the Honour and dignity of his Crown is so openly insulted and your Neighbouring Colonies have unasked raised much larger supplies than are now proposed to you, I am confident that your Conduct on this

occasion will convince the World how ready you are to assert the Honour of the English name and to revenge the cruel and horrid usuage your Fellow subjects have met with from a Barbarous and Insolent Enemy. I shall therefore content myself with barely laying before you what assistance his Majesty [expects] from you at this time and shall not recommend affairs of a different nature to your consideration at a season when it is impossible your session can last long. Only I must once more remind you that it is high time this Province had a good Militia when the war is brought to our very door. GAB: JOHNSTON.

Then his Excellency was pleased to order the following Instructions from his Majesty to be laid before this House (viz^{t})

Part of the first Instruction.

We have also determined to raise a body of Troops in our Colonies on the Continent of North America to joyn those to be sent from hence at a particular rendezvous which will be appointed for that purpose and to Act in conjunction with them under the Command of our said General in such dispositions as shall be made for our Service and althō we have not thought fit to fix any particular Quota for our province of North Carolina under your Government because we could not set Bounds to their zeal for our service yet considering the Great Number of Inhabitants in our said Province and that they have of late years been very much increased we doubt not in the least but they will exert themselves upon this occasion as far as the circumstances of the Colony will allow being assured they cannot render a more acceptable service to us and to their Mother Country nor do anything more essential for their own Interest.

Article 8th But we trust and expect that our Assembly of North Carolina will provide Victuals transports and all other necessarys for the troops to be raised in our province except their Cloaths, Tents, arms amunition and pay till their arrival at the General Rendezvous in the West Indies from which time the said Transports shall enter into our pay and you are hereby directed without loss of time to recomend to the said Assembly in our name to make such provision that the Expedition may not be retarded for want thereof.

Article 12th We depend upon your punctual Complyance with these our Instructions we recomend the several matters therein contained to you our Governour to our Council to our Assembly and to all other our good subjects in North Carolina so far as may concern them respectively and we do expect that you should by the first and every occasion that

may offer send us a full and clear account of your proceedings therein by letters to one of our Secretarys of State.

Signed GAB: JOHNSTON.

Then the House returned and the aforesaid Speech and Instruction were read by the Clerk before the House.

Ordered That John Montgomery Esq^re^ M^r^ Farris M^r^ Starkey, M^r^ Hunter and M^r^ Scarborough draw an address to his Excellency in answer to the foregoing Speech.

M^r^ Montgomery and M^r^ Craven went to the upper House and acquainted them it was the desire of this House that they would be pleased to send two of their Members to this House to qualify the Member newly chosen for Wilmington and those Members who now appear and were not before qualified.

Then appeared M^r^ George Power M^r^ Will^m^ Kenneday M^r^ Stevens Lee and M^r^ Caleb Sawyer and took the Oaths by Law appointed for their Qualification and took their seats in the House accordingly.

The Motion was made and the Question was put whether Peter Young or John Dayly be appointed Messenger to this House this present Session which was carried in favour of John Dayly and he was appointed and qualified accordingly.

The Motion was made and the Question was put whether Laws Predy or Thomas Callaway be appointed doorkeeper to this House this present session and carried in favour of Thomas Callaway and he was accordingly appointed and qualified.

M^r^ Speaker acquainted this House it was necessary this House should send to his Excellency desireing he would be pleased to communicate to this House the Original Instructions signed by his Majesty and other Letters referred to in his Excellency's Speech.

Sent the following Message to his Excellency the Governour (viz^t^)

MAY IT PLEASE YOUR EXCELLENCY

As it is usual when a Matter of the Nature recommended in your Excellency's Speech is required by the Crown the Original Instructions and Letters are usually communicated to this House.

This House therefore request the sight of the Original Instructions signed by his Majesty, and other Letters referred to in your Excellency's Speech.

Received the following Message from his Excellency the Gov^r^ viz^t^

July 31st 1740.

Mr Speaker

Tho I am of opinion that your House has no right to demand a sight of my original Instructions yet upon this occasion where the Honour and Intrest of every Englishman is so nearly concerned I can't forbear sending you the Duke of Newcastle's Letter to me and his Majestys original Instructions signed by himself and under his sign manual by Mr Harrison to be read to the Members of your house and returned to me by him but I desire you may take notice that this is not to be drawn into a President. GAB: JOHNSTON.

A Committee of the following persons were appointed to consider of ways and means to raise money for defraying the charge of transporting his Majesty's Troops raised in this Province to the place appointed for a General Rendezvous of his Majesty's American Troops (vizt) John Montgomery Esqre Mr Farris, Mr Starkey, Mr Hunter, Mr Scarbrough, Mr Roberts, Mr Blount, Mr Castlelaw, Mr Hill, Mr Alderson, Mr Craven, Mr Smithwick and Mr Peyton.

The House adjourned till to-morrow 3 o'clock afternoon

Friday the 1st of August 1740. The House met according to adjournment.

Reported by Mr Montgomery from the Committee appointed to draw an address to his Excellency that they had prepared one which he read in his place.

Ordered the same be engross'd and presented to his Excellency to-morrow.

Reported by Mr Montgomery from the Committee for considering way and Means for &c: as follows. That the Committee thought it the most speedy for raising supplies for transporting the Troops &c: to emit a certain Quantity of New Bills for that purpose and that this House would address his Excellency to know whether he would assent to a New Emission of Bills.

Mr Blackhall and Mr Craven waites on his Excellency the Governour to know when he would be pleased to receive the address of this House, returned and acquainted this House his Excellency would receive them to-morrow morning.

Ordered That Mr Blackhall, Mr Scarbrough, Mr Hunter, Mr Farris and Mr Roberts do bring in a Bill for regulating the Militia of this Province.

The House adjourned till to-morrow 7 °clock.

Saturday the 22^{d} of August 1740. The House met according to adjournment.

His Excellency the Governour sent to this House acquainting them he was ready to receive their address and commanded their attendance in the Council Chamber.

The House in a full body waited on his Excellency the Governour and presented the following Address (viz^{t})

North Carolina

To his Excellency Gabriel Johnston Esq^{re} Cap^{t} Gen^{ll} and Gov^{r} in Chief in and over the said Province.

The Humble Address of the General Assembly of the said Province.

May it please your Excellency

We his Majesty's most dutifull and Loyal Subjects the representatives of the People of North Carolina in General Assembly met return our humble thanks to your Excellency for your Speech to us at the opening of this session of Assembly and for the good opinion you therein express of us.

We are fully assured of his Majesty's Zeal to promote the happiness of all his subjects that we should [not] be wanting in our Duty to so gracious a Prince should we not chearfully contribute to the utmost of our power in assisting our Sovereign to assert the Honour of the English name and to revenge the cruel usuage our fellow subjects have met with for many years past from a Barbarous and haughty Nation.

We are sorry that the circumstances of this Colony will not permit us to raise so large a supply as would fully convince the world that no people of any Province have greater Zeal for the honour of his Majesty and his Crown and the prosperity of his people than we have yet we assure your Excellency that no Colony hath with more chearfullness contributed than we shall to forward the intended decent upon some of the Spanish Colonies and althō we are truly sensible that no Governour in America can be more Zealous than your Excellency for the Honour and Interest of his Majesty. Yet we are as well assured by the tender regard we have allways found your Excellency show for the prosperity and happiness of this Province that you will not expect any greater assistance from us than what you know our circumstances will permit.

We beg leave to assure your Excellency that we sincerely wish that his Majesty may not only now but at all times Triumph over his Enemies and that his reign may be long and prosperous and that your Excellency's mild and prudent Administration of this Province under him may long continue.

Mr John Dawson one of the Members of Bertie County appeared and took his seat.

John Montgomery Esqre moved this House that a Message be sent to his Excellency the Governour desireing he would be pleased to acquaint this House what Quantity of Troops are to be provided for here and where they are to be transported to.

Sent the following Message to his Excellency the Govr

MAY IT PLEASE YOUR EXCELLENCY

This House having resolved that to emit a certain Quantity of New Bills will be the most speedy way to defray the Expences of transporting the Troops to be raised in this Colony desire your Excellency would be pleased to acquaint this House if your Excellency would be pleased to assent to an Act for that purpose and that your Excellency would acquaint this House what number of Troops are to be provided for, and where to be transported to, that this House may proceed accordingly.

To which His Excellency answered he had possitive orders not to assent to any Act for emitting of New Bills unless there was a suspending Clause that it should not take Effect till his Majesty's pleasure should be known and that to the other part of the Message he would send an answer on Monday next.

Whereupon it was ordered that the Committe appointed to consider ways and means &c: do sit again this afternoon to consider of other ways &c:

Mr Craven moved for leave to bring in a Bill for an Act to finish the Church allready begun at Edenton.

Ordered Mr Craven, Mr Blackhall and Mr Montgomery do propose and bring in the same.

Read the Petition of John Ackerman of Tyrel County Praying to be Exempt from paying parish dues and taxes. The same Granted

The House Adjourned till Monday 10 °Clock.

Monday the 4th of August 1740. The House met according to Adjournment.

Mr James Summer one of the Members of Pequimons County appear'd and took his seat in the House.

The House adjourned till to-morrow 10 °Clock

Tuesday the 5th of Angust 1740. The House met according to Adjournment.

John Montgomery Esqre from the Committe appointed to find ways and means to raise money for defraying the Charge of Transporting his

Majesty's Troops raised in this Province &c: Reported the following Resolves of the said Committe and submitted them to the House for approbation.

1st Resolved That a Levy in Proclamation Money ℔ Tithable be laid upon the Inhabitants of this Province that the said Tax be paid within one year

2nd Resolved That the said Tax be paid by the following Commodities. (vizt)

	Procl Money
"Pork in Barrels at the rate of	£1 " 2 " 6
"Beef in Barrels at	0 " 17 " 6
"Tobo ℔ Hundred wt	0 " 10 " 0
"Rice ℔ Hundred wt	0 " 7 " 6
"Deer Skins ℔ Pound	0 " 2 " 6
"Bees Wax ℔ Pound	0 " 0 " 10
"Tallow ℔ ditto	0 " 0 " 3

Resolved, that the Inhabitants of that part of the Province heretofore called Albemarle County [pay] this Levy at the places in their respective Countys where his Majestys Quit rents are paid into the hands of Inspectors to be appointed by each County Court.

Resolved that a substantial ware house be built at the most convenient Landing in each County in that part of the Province heretofore called Bath County for the safe keeping the Comodities to be paid for this and all other Taxes

Resolved That the Inhabitants of that part of the Province shall pay this Tax at the Ware Houses which shall be built

Resolved That each County Court of this Province be impowered to appoint an Inspector who shall have the same power to inspect the Commodities which shall be paid for the aforesaid Tax as the Inspectors appointed by virtue of the Quit Rent Law subject to the same regulations

Resolved That the Inspectors so appointed shall give accounts or notes to the Inhabitants for the Commodities paid in discharge of the said Tax

Resolved That Commissioners be appointed to contract with such persons as shall be willing to transport the aforesaid Troops and that the said Commissioners be impowered to sell and dispose of the Commodities which shall be paid to the Inspectors.

Resolved That what Bill money of this province shall be paid in satisfaction of the above Levy shall be paid at the rate of seven for one Exn from Proclamation Money.

The Committe also inform this House that it is their opinion that all Taxes whatsoever ought to be paid in the aforesaid manner and likewise all fines and forfeitures Signed J: MONTGOMERY
Cha—man

Ordered That Mr Roberts, Mr Starkey and Mr Farris do prepare and bring in a Bill pursuant to the said Resolves

It was moved by Mr Farris and seconded by Mr Bartram that Hemp and Flax be incerted in the said Bill and paid at the same rates as in the Quit rent act and passed Nem: Contradicente

Ordered That Mr Stevens Lee and Mr Smithwick do prepare and bring in a Bill for an Act to erect an Inspecting House in Tyrel County at a more convenient place than Mr Joseph Spruils

Ordered That Mr Hunter and Mr Montgomery do prepare and bring in a Bill for an Act to enable the Parishes of St Andrew in Tyrel County and the So West parish of Pasquotank County to choose a Vestry for the ensuing year they having neglected to choose according to Law.

The House Adjourned till 4 aClock in the afternoon

The House met according to Adjournment.

Mr Jos: Tart one of the Members of Hyde County appeared and took his seat in the House.

Mr Hunter brought in a Bill for an act for regulating the Militia of this Province which he read in his place. Ordered The same lye on the Table for Consideration.

Read the Petition of Tho: Cornice of Chowan County Praying to be Exempt from paying Levies &c: The same Granted.

Read the Petition of Thomas Bedford of Tyrel County Praying to be exempt from paying publick Taxes and all publick services. The same Granted

Read the Petition of Neal Cahon of Tyrel County Praying to be exempt from paying publick Taxes and all publick services. The same Granted.

Read the Petition of John Martin of Pasquotank County Praying as before Rejected

The House adjourned till to-morrow 10 aClock.

Wednesday the 6th of August 1740. The House met according to adjournment.

Mr Tho: Bryant one of the Members for Bertie County appeared and took his seat in the House

Ordered That Mr Lovick and Mr Lee, Mr Castelaw, Mr Hunter, Mr Blount Mr Peyton and Mr Dawson be added to the Persons appointed

to prepare and bring in a Bill pursuant to the Resolves of the Committe to consider ways and means &c:

The House adjourned till to-morrow 10 ª Clock

Thursday the 7th of August 1740 The House met according to adjournment.

Mr Montgomery laid before the House a Letter from Mr Barcroft Secretary to the society for propagating the Gospel in Forreign parts—as follows. (vizt)

London Warwick Court Warwick Lane Novr 19th 1739.

Gent

I am directed by the Incorporated Society for the Propagation of the Gospel in Foreign parts to acquaint you that they have appointed the Revd Mr John Garzia to be one of their Missionaries in North Carolina and that he officiate in Chowan Precinct and in all other places as occasion shall require to the North East side of the River Nuse, the Society do hereby recommend him to your Favour and as he is very sufficiently recommended to them more especially by his Excellency Gabriel Johnston Esqre they conceive good hopes he will answer the end of his mission and they do expect you will contribute according to the best of your Abilities towards his better support and recommend it to you to procure a passage toll free in the several ferrys over the several Rivers within his Mission praying that you may make a right use of having the great Blessing of Gods word rightly administered to you and that it may shine forth in your lives & Conversations. I am Gent your humble servant

PHILIP BEARCROFT. Secretary.

To the Inhabitants of Chowan Precinct and of the other places in N° Carolina where Mr Garzia shall officiate

Ordered the same lye on the table for consideration

Read and sent to the Upper House a Bill for an Act for finishing the church at Edenton.

Sent to the Upper House a Bill for an Act for Regulating the Militia of this Province.

Mr Castelaw moved for leave to bring in a Bill for an Act to enlarge the Jurisdiction of the Majestrates in the Tryals of small and mean Causes and also to bring in a Bill for an Act to erect a prison in Bertie County.

Ordered That Mr Castelaw, Mr Smithwick and Mr Hill do prepare and bring in the said Bills.

The House adjourned till to-morrow 3 ª Clock Afternoon.

Friday the 8th of August 1740. The House met according to Adjournment.

Received from the Upper House a Bill for an Act for the finishing the church at Edenton—And a Bill for an Act for the Regulating the Militia of the Government with Amendments.

Mr Boulds moved for leave to bring in a Bill for an Act for finishing the church at New-Bern for regulating the said Town. Ordered Mr Roberts and Mr Boulds do prepare and bring in the same.

The House adjourned till to-morrow 10 aClock.

Saturday the 9th of August 1740. The House met according to adjournment.

Read and sent to the Upper House a Bill for an Act for finishing the church at Edenton &c.

Mr Montgomery brought in a Bill for an Act for granting an Aid to his Majesty to defray the expence of transporting the several Troops enlisted in his Majesty's service in the Colony and to ascertain the method of paying all Taxes and Levys in Commoditys and for other purposes therein mentioned Which he read in his place. Ordered the same lye on the Table for consideration.

Mr Peyton brought in a Bill for an Act for appointing a Ferry from Bath Town to Core Point on Pamplico river and from Core Point to Bath Town Which he read in his place. Ordered, the same lye on the Table for Consideration.

The House adjourned till Monday morning 9 aClock.

Monday the 11th of August 1740. The House met according to Adjournment.

Sent to the upper House a Bill for an Act for granting an aid to his Majesty &c.

Mr Bould brought in a Bill for an Act to enable the Commissioners therein after appointed to erect and finish a church at New Bern Town for the better regulating the said Town and for other purposes therein mentioned. which was read and sent to the Upper House.

Mr Rigby brought in a Bill for an Act to exempt the Inhabitants of Bath Town from working on the roads &c. Which was read and sent to the Upper House—And also the Bill for an Act to Establish a ferry from Bath Town to Core Point &c:

Sent the following message to the upper House (vizt)

MAY IT PLEASE YOUR HONOURS

This House taking into consideration the Letter from the Society for propagating the Gospel in Foreign parts recommending Mr Garzia to

have free passage in the ferrys over the several Rivers within his Mission—Have resolved that all Missionaries within this Province pass free from paying any moneys for their ferriage over the Rivers within their respective Missions and that the several persons who keep shall [said] ferrys shall have a claim on and be paid by the publick for such service To which desire your Honours concurrance.

The House adjourned till 3 ªClock in the afternoon.

The House met according to Adjournment.

Mr Craven informed this House there was a Libel fixed on the side of this House signed Ar: Hamilton which contains a reflection on the Honourable William Smith Esqre Chief Justice and tends to the subversion of Government and moved the said advertisement and Petition of Daniel Hanmer might be read which are as follows (vizt)

To the Honble William Smith Esqre Chief Justice of the Province of North Carolina

The Humble Petition of Daniel Hamner Humbly Sheweth

That your Petitionr to his great Great grief and sorrow being convicted of a very Heinous Crime is sentenced to a very ignominious Punishment, that your Petitioner hath large dealings in this Province and that if the sentence is carried to Exn your Petitioner and his Family will be for ever ruined but your Petitioner hath much greater sorrow that he should be found guilty of an Offence so great in the sight of God and so detestable among men than for all the ruin that will fall on him for which Crime he shall always have a true and sincere repentance

Your Petitioner therefore humbly throws himself at your Honours feet and trusting to your great Clemency implores your Honours compassion and begs that your Honour will remit the Ignominious part of the sentence or at least suspend it till his Excellency's pleasure is known from whom he intends (if your Honour will be so good to suffer it) to implore a pardon.

And your Petitioner as in duty bound shall ever pray

True Copy Test James Craven DANIEL HANMER.

North Carolina.

Whereas it has been industriously reported and handed about in divers places and many companies without any just foundation that Daniel Hanmer Esqre did under his hand in a Petition by him signed directed the Honble William Smith Esqre Chief Justice of this Province confess himself guilty of Perjury now as I have been the whole spring of that Affair in order to do Mr Hanmer that Justice which is due to him I do

hereby certify that I did advise Mr Hanmer to Petition the Chief Justice to respite the sentence given against him for Perjury and that I did imediately draw a Petition in great haste and carried it to Mr Hanmer then in Prison and persuaded him to sign it telling him that he had no other way to save himself from the Ignominy of the Pilory and that by gaining a little time to lay the whole affair before the Governour he might have that Judgment reversed which in my opinion was altogether Illegal the Indictment being manifestly Erroneous and the Tryal contrary to a possitive Law of this Province then and now in force and I do further certify that I did not intend any confession of Perjury but only a general Confession of sins and a hearty concern for being thought guilty of any Crimes without coming to my particulars and that if there is any other it was occasioned thrō haste and Inadvertance and also that I do believe that Mr Hanmer had not time to read over the Petition before he signed it, this I am ready to prove upon Oath when called to it for Witness whereof I have put hereunto my Hand the 20th day of May. Anno Dom: 1740. Signed AR: HAMILTON.

After the said petition and advertisement was by this House maturely considered they made the following Resolves (vizt)

1st Resolve That the said advertisement is false scandalous and malitious highly reflecting on the General Court of this Province tending to the subversion of the Government and the stirring up of sedition amongst his Majestys subjects

2nd Resolved that William Smith Esqre Chief Justice of this Province has behaved with great honour, integrity and capacity in the Office of Chief Justice during the time he has acted in the said office.

The House adjourned till to-morrow 10 aclock.

Tuesday the 12th of August 1740. The House met according to adjournment.

Read and sent to the Upper House a Bill for an Act for regulating the Militia of this Province with Amendments.

Received from the Upper House the Bill for an Act for building the church at Edenton.

Received the following Bills from the Upper House (vizt) A Bill for an Act to enable the Commissioners thereinafter appointed to erect and finish a church at New Bern &c: A Bill for an Act to establish a Ferry from Bath Town to Core Point &c: A Bill for an Act to exempt the Inhabitants of Bath Town from working on the roads &c: A Bill for an Act for granting an Aid to his Majesty &c:

Read and sent to the Upper House the following Bills (Viz^{t})

A Bill for an Act for finishing the Church at Edenton.

A Bill for an Act to enable the Commissioners therein appointed to erect and finish a church at New-Bern &c:

A Bill for an Act to exempt the Inhabitants of Bath Town from working on the Roads &c:

A Bill for an Act to establish a Ferry from Bath Town to Core Point &c:

M^{r} Hill moved for leave to absent himself from the service of the House. Ordered he have leave to absent himself accordingly.

Ordered That M^{r} Craven M^{r} Blount and M^{r} Blackhall do prepare and bring in a Bill to prevent the Insurrection of Negroes.

M^{r} Scarbrough brought in a Bill for an additional act to an Act Intituled an Act for providing his Majesty a Rent Roll &c: therein to give longer time for proof of Possession of Lands.

Ordered the same lye on the Table for consideration.

The House adjourned till 3 ^{a}clock in the Afternoon.

The House met according to adjournment.

The House resolved into a Committee of the whole house to debate on the several matters in the Bill for an Act for granting an aid to his Majesty &c: And unanimously chose M^{r} Smithwick Chairman

After some time spent M^{r} Speaker resumed the Chair.

Received from the Upper House the following Bills (Viz^{t}) A Bill for an Act to enable the Commissioners therein named to Build a Bridge over Livingston's Creek between New Hanover and Bladen Countys And a Bill for an Act for regulating the Militia of this Province.

The House resolved again into a Committe of the whole House to debate on the Act for granting an aid to his Majesty &c:

After some time spent M^{r} Speaker resumed the chair

The House adjourned till to-morrow 8 ^{a}clock

Wednesday the 13th of August 1740 The House met according to adjournment.

Read and sent to the Upper House the Bill for an Act to enable the Commissioners therein named to build a Bridge over Livingston's Creek between New Hanover and Bladen Countys.

M^{r} Craven moved for leave to bring in a Bill for an Act to amend an Act for settling the titles and bounds of lands and to dock Entails of small parcels of lands.

Ordered he prepare and bring in the same. Which he did and read the same in his place

Ordered the same be sent to the Upper House

The House resolved into a Committe of the whole House and resumed the debates on the Act for granting an aid to his Majesty &c: And Mr Chairman took the Chair after some time spent.

Mr Speaker resumed the chair.

Received from the Upper House the Bill for an Act for finishing the Church at Edenton With the following Endorsement Read in the Upper House the third time.

Ordered to be sent to the Lower House to be engrossed

Then the Chairman reported that the Committe had debated on the several Clauses in the Bill for an Act for granting an Aid to his Majesty &c: and had made several amendments, and desired this House would concurr therewith

After reading the said Bill with amendments made by the Committe Resolved this House concurr with the same.

Sent the said Bill to the Upper House with the amendments

Received from the Upper House a Bill for an Act to exempt the Inhabitants of Bath Town from working on the Roads

Read and sent the above Bill to the Upper House with amendments

The House adjourned till 3 ªClock afternoon

The House met according to adjournment

Mr Montgomery brought in the following Bills (vizt) A Bill for an Act to enable the Justices of Tyrel County to build a Ware House on Scuppernong River for receiving his Majesty's Quit Rents And a Bill for an Act to enable the parishes of St Andrews in Tyrel County and the Sº West parish of Pasquotank County to ellect Vestrys, which was read and sent to the Upper House

Mr Roberts moved that all Bills for Acts in which any fines or forfeitures are to be incurred unless the Commodities for payment of such fines or forfeitures are incerted in such Bills may lye on the Table till the Bill is past the third time for granting an aid to his Majesty.

Which the House agreed to nem: con:

The House adjourned till to-morrow 10 ªClock

Thursday the 14th of August 1740 The House met according to adjournment

Mr Speaker moved for leave to bring in a Bill for an Act to appoint able and skillfull Clerks for the several County Courts in this Province and for the better securing and safe keeping the records of the same

Ordered he have leave to prepare and bring in the same

Which he did and read the same and sent it to the Upper House

Received from the Upper House the following Bills (viz^{t}) A Bill for an Act to establish a Ferry from Bath Town to Core Point with amendments also a Bill for an Act to enable the Justices of Tyrel County to build a Ware House on Scuppernong River &c: and a Bill for an Act for amending an Act for setling the Bounds of Lands and to dock Entails. And a Bill for an Act to enable the parishes of S^{t} Andrews in Tyrel County and the S^{o} West parish of Pasquotank County to elect &c: with amendments And a Bill for an Act to enable the Commissioners therein named to build a Bridge over Livingston's Creek &c:

M^{r} Farris moved for leave to bring in a Bill for an Act for the further and better regulating the Town of Wilmington in New Hanover County and to establish the Church of the parish of S^{t} James to be built in the said Town

Ordered he prepare and bring in the same which he did and read the same in his place and it was sent to the Upper House.

Read and sent to the Upper House the following Bills (viz^{t}) A Bill for an Act to enable the Justices of Tyrel County to build a Ware House on Scuppernong River &c: A Bill for an Act to enable the parishes of S^{t} Andrews in Tyrel County and the S^{o} West parish of Pasquotank County to elect &c: A Bill for an Act to enable the Commissioners therein named to build a Bridge over Livingston's Creek &c:

M^{r} Blackhall brought in a Bill for an Act to prevent the Mischiefs and Ill consequences which may arise by slaves unlawfully assembling &c: which was read and sent to the Upper House.

The House adjourned till 3 ^{o}Clock afternoon

The House met according to adjournment.

Received from the Upper House a bill for an act to enable the Commissioners therein appointed to erect and finish a church in New-Bern &c: which was read the third time in this House passed and sent to the Upper House.

The House adjourned till to-morrow 9 ^{a}Clock

Fryday the 15th of August 1740 The House met according to adjournment

Received from the Upper House the Bill for an Act for the further and better regulation of the Town of Wilmington &c:

M^{r} Craven moved for leave to bring in a Bill for an Act to establish and confirm John Hodgson Esq^{re} Treasurer of the Countys therein mentioned

Ordered he have leave to prepare and bring in the same which he did and read it in his place and it was sent to the Upper House.

Received from the Upper House the Bill for an act to appoint able and skillfull Clerks for the several County Courts &c:

Read and sent to the Upper House the following Bills (viz^{t}) A Bill for an Act for the further and better regulation of the Town of Wilmington &c: with amendments—And a Bill for an Act to appoint able and skillfull Clerks &c:

The House adjourned till 3 ^{a}Clock post mer:

The House met according to adjournment.

Received from the Upper House the following Bills (viz^{t}) A Bill for an Act to enable the Commissioners therein appointed to erect and finish a church in New-Bern &c: Endorsed Ordered to be Engrossed And a Bill for an Act for granting an aid to his Majesty &c: with amendments

Read the Bill for an Act for granting an aid to his Majesty &c: Ordered the same lye on the Table for consideration.

The House adjourned till to-morrow 9 ^{a}Clock.

Saturday the 16th of August 1740. The House met according to adjournment

Received from the Upper House the following Bills (viz^{t}) A Bill for an Act to Establish and confirm John Hodgson Esq^{re} Treasurer &c: A Bill for an Act for the further and better regulation of the Town of Wilmington &c: A Bill for an Act to enable the Commissioners therein named to build a Bridge over Livingston's Creek &c: A Bill for an Act to enable the parishes of S^{t} Andrew in Tyrel County and the S^{o} West Parish of Pasquotank to elect &c: A Bill for an Act to enable the Justices of Tyrel County to build a Ware House on Scuppernong River—and a Bill for an Act to appoint able and skillfull Clerks &c: Read the third time the Bill for an Act for granting an aid to his Majesty &c: and sent it to the Upper House with amendments.

Read and sent to the Upper House the following Bills (viz^{t})

A Bill for an Act to appoint able and skillfull Clerks for the several Countys within this Government.

A Bill for an Act to establish a Ferry from Bath Town to Core Point.

A Bill for an additional Act to an Act Entituled An Act for providing his Majesty a Rent Roll &c:

A Bill for an act to establish and confirm John Hodgson Esq^{re} Treasurer &c:

A Bill for an act to enable the parishes of S^{t} Andrew to in Tyrel County and the S^{o} West Parish of Pasquotank &c:

And a Bill for an Act for the further and better regulation of the Town of Wilmington &c:

The House adjourned till 3 ^{a}Clock Afternoon.

The House met according to adjournment.

Read and sent to the Upper House the following Bills (viz^{t})

A Bill for an act to enable the Justices of Tyrel County to build a Ware House on Scuppernong River &c: and a Bill for an Act to enable the Commissioners therein named to build a Bridge over Livingston's Creek &c:

M^{r} Craven moved for leave to bring in a Bill for an Act for confirming Titles to the Town Lands of Edenton for securing the Priviledges heretofore granted to the said Town and for the further encouragement and better regulation thereof.

Ordered he prepare and bring in the same Which he did and read the same in his place and it was sent to the Upper House.

Received from the Upper House the following Bills (viz^{t})

A Bill for an Act for the further and better regulation of the Town of Wilmington &c: Endorsed Ordered to be engrossed And a Bill for an Act to establish a Ferry from Bath Town to Core Point &c: Endorsed Ordered to be engrossed And also a Bill for an Act to establish and confirm John Hodgson Esq^{re} Treasurer &c:

The House adjourned till to-morrow 11 ^{a}Clock

Monday the 18th of August 1740. The House met according to adjournment

Read and sent to the Upper House a Bill for an Act to Establish and confirm John Hodgson Esq^{re} Treasurer &c:

The House adjourned till 3 ^{a}Clock Afternoon

The House met according to adjournment

Received the following Bills from the Upper House (viz^{t})

A Bill for an Act to appoint able and skillfull Clerks for the several County Courts in this Government &c: Endorsed Ordered to be engrossed And A Bill for an Act to enable the Justices of Tyrel County to build a Ware House on Scuppernong River &c: Endorsed Ordered to be engrossed And a Bill for an Act to enable the parishes of S^{t} Andrews in Tyrel County and the S^{o} West Parish of Pasquotank County to elect Vestrys &c: Endorsed Ordered to be engrossed And a Bill for an Act to establish and confirm John Hodgson Esq^{re} Treasurer &c: Endorsed. Ordered to be engrossed And a Bill for an Act for confirming Titles to the Town Lands of Edenton &c: And also a Bill for an Act to prevent the Ill consequences that may arise by slaves unlawfully assembling &c: Read and sent to the Upper House a Bill for an Act for confirming titles to the Town Lands of Edenton

The House adjourned till to-morrow 9 ^{a}Clock

Tuesday the 19th of August 1740. The House met according to adjournment

Mr Montgomery moved that any Member of this House who shall in any wise detain or offer to detain any Member in the House or take any out contrary to his or their Inclination when the House calls for a Division on any Question may be Committed

Resolved That any Member who shall make any such offer shall be censured

Read and sent to the Upper House a Bill for an Act to prevent the Mischiefs and Ill consequences that may arise by slaves unlawfully assembling &c:

The House adjourned till 3 aClock Afternoon

The House met according to adjournment

Received from the Upper House the Bill for an Act for granting an Aid to his Majesty &c: with amendments And the following Message therewith (vizt)

Mr Speaker and Gent

Upon reading the third time the Bill for an Act for Granting an Aid to his Majesty &c: we have made the following amendments to which we desire your concurrance. (vizt)

Page 2d Rice ℔ hundred wt 7s 6d procl for that part of the province only heretofore known by the name of Bath County

Pork in good tight Barrels &c: one pound seven shillings

8. And in that case the Justice granting such Warrant and the Officer executing it shall not charge the Inspector nor any other with any costs

11. Hogshead of Tobo Contg at least 700 weight

15. Debts Due by Judgmt or against whom Exo shall issue for any Debt or Debts hereafter to be contracted only

Shall carry the Commodities to a publick ware house in the Country where such Debtor has contracted such Debt

Read the Petition of John Prescot Praying to be exempt from publick service of and paying Taxes The same granted

Received from the Upper House the Bill for an Act for confirming Titles to the Town Lands of Edenton &c:

Sent the foregoing Message to the Upper House

May it please your Honours

This House having considered the amendments made by you in the Bill for an Act for Granting an aid to his Majesty &c: and cannot concurr to the lessning the price of Rice to 7s 6d ℔ Hundred nor that the same shall be taken in Bath County only

2d To lessen the price of Pork to 27s ℔ Barrel nor to raise the weight of a Hogshead of Tob: from 500, to 700 weight

Upon which this House desires a Conference and that you will be pleased to appoint the time

Signed JOHN HODGSON Speaker

The House adjourned till to-morrow 9 aClock.

Wednesday the 20th of August 1740. The House met according to adjournment

Read and sent to the Upper House a Bill for an Act for confirming the Titles to the Town Lands of Edenton &c:

Received the following Message from the Upper House (vizt.)

Mr Speaker and Gent

In answer to your Message sent yesterday this House does assent to a conferrence and is ready to receive your House imediately

The House in a full Body went to the Upper House to conferr on the severall Articles in dispute in the Bill for an Act for granting an aid to his Majesty &c: and for Managers of the said Conference appointed Mr Speaker and Mr Montgomery on the articles of Pork and Tobacco and Mr Castelaw and Mr Smithwick on the Article of Rice Which Articles were fully debated by both Houses.

Then this House returned and the motion was made and the Question was put whether Pork should pass as the Upper House had amended it or not

Resolved that Pork be incerted again at 30s ℔ barrel but pickled instead of any salted nem: con:

The Motion was made and the Question was put whether Rice should be incerted 10s or 8s 4d

Resolved nem: con: that Rice be incerted in the said Bill 8s 4d

The Motion was made and the Question was put whether Tob° to be carried in a Hogshead shall weigh 700 or 500.

Resolved nem: con: that the Hogshead shall contain seven Hundred weight of Tobacco.

Then sent the following Message to the Upper House.

May it please your Honours

This House upon debating the matters in conference with you have come to the following Resolutions

1st That Pork be incerted in the Bill at 30s ℔ Barrel but pickled instead of drysalted.

2dly That Rice be incerted at 8s 4d and shall extend to all parts of the Province

3dly As to the Article Tobacco contained in a Hogshead this House concurrs.

To the above two Articles desire your concurrence and that it be incerted that Beef be pickled.

The House adjourned till 3 aClock Afternoon.

The House met according to Adjournment.

Received from the Upper House the Bill for an Act for confirming Titles to the Town Lands of Edenton &c. Endorsed Ordered to be engrossed.

The House adjourned till to-morrow 9 aClock

Thursday the 21st of August 1740. The House met according to adjournment

Received the following Message from the Upper House

Mr Speaker and Gent

In answer to your Message desiring our Concurrence with some resolutions of your House since the Conference we must inform you that you have proceeded upon a mistake for its the opinion of this House that since the Conference was after the third reading of the Bill in both Houses we could only in that Conference give you our reason for making the amendments but cannot consistent with the rules of Parliament receed from any of those amendments.

The Motion was made and the Question was put whether this House concurr with the amendments made by the Upper House on their third reading the Bill for an Act for granting an aid to his Majesty &c: or not. Which was carried in the affirmative.

Received from the Upper House the Message in relation to Mr Garzia and all other Missionaries in this Province passing Ferry Free over the several Ferrys within their respective Missions.

Endorsed Concurred with the Ferryman producing a Certificate.

W. SMITH P.

Received a Message from his Excellency the Governour.

Mr Speaker and Gent

I command you and the House to attend me with what Bills are engrossed in the Council Chamber.

GAB: JOHNSTON.

The House in a full body waited on his Excellency the Governour in the Council Chamber with the Bills for the following Acts.

The Bill for finishing the church at Edenton.

The Bill for electing Vestrymen for the parishes of S^{t} Andrews in Tyrel County and S^{o} West parish of Pasquotank &c:

The Bill for building a Ware House on Scuppernong &c.

The Bill to exempt the Inhabitants of Bath Town from working on the Roads &c:

The New Bern church Bill. Bath Town Ferry Act.

The Clerks Bill. Wilmington Bill.

The Treasurer's Bill. Edenton Land Bill.

Livingston's Creek and Bridge Bill.

To which his Excellency was pleased to assent and ordered the great seal of the Province to be affixed thereto.

Resolved that Edenton is the proper place where the Secretary's office of this Province ought to be kept and that all records and papers belonging to the said office be deposited there.

Resolved That the following Message be sent to his Excellency the Governour.

May it please your Excellency

This House having resolved that Edenton is the proper place where the Secretary's Office of this Province ought to be kept and that all records, wills and other papers in any ways relating to the said office ought to be kept and deposited there and being informed that most of the records and other papers formerly kept at Edenton and belonging to the said office is removed and kept at Cape Fear chiefly at the Secretary's House and under the care and management of persons deputed by the Secretary that great Mischief may arise to the people of this province by loosing, altering or erasing the said Records on which the propertys of the people of this Province intirely depend or in case of the death of the Secretary the said Records and Papers may fall into such hands as by unfair practices may secrete, alter or erase the records and papers belonging to the said Office to the great prejudice of the Inhabitants of this Province.

Humbly address your Excellency will be pleased to order and direct the Secretary to deposite in such time as your Excellency shall think proper all the records and papers aforesaid or take such measures as you shall think proper that two Members appointed by this House may inspect and take a list or catalogue of all records and other material papers belonging to the said Office to prevent any future Mischiefs by removing the said Records and papers or otherwise.

Resolved That Mr Craven lay out a sum not exceeding one Hundred pounds for repairing the Council Chamber in Edenton against the next Session of Assembly and that he be refunded by the Publick. Ordered The said Resolve be sent to the Upper House for Concurrence.

Ordered That the Sheriff of Chowan take care of and keep clean and lock the Court House and Council Chamber in Edenton unless at Publick times.

Sent the following Message to the Upper House.

MAY IT PLEASE YOUR HONOURS.

This House having taken into consideration the matters in conference on the Bill for granting an aid to his Majesty &c: Resolve to concur with your Amendments.

Sent the following Message to the Upper House.

MAY IT PLEASE YOUR HONOURS.

This House having resolved that Mr Craven lay out a sum not exceeding one hundred pounds for repairing the Council Chamber in Edenton against next Session of Assembly and that he be refunded by the Publick desire your Honour's Concurrence.

Received the following Message from the Upper House.

MAY IT PLEASE YOUR HONOURS Mr SPEAKER AND GENt

As you have concurred with our Amendments made in the Bill for granting an aid to his Majesty &c: this House desires the same be engrossed.

Received from the Upper House the Message sent to them in relation to the repairing the Council Chamber. Endorsed Concurred with

W. SMITH P.

Whereas the Secretary of this Province hath neglected to send to the County Courts of this Province the Copys of the Laws of this Province for want of which the Majestrates of the several County Courts are at a great loss how to execute Justice pursuant to the several Laws now in force.

Resolved That the Clerk of this House do fairly copy the following Acts and send them to the several Countys within this Provice (to wit) The Act for granting an Aid to his Majesty &c: The Act for the better regulating the Militia of this Province. And the Act for appointing able and skillfull Clerks for the several County Courts within this Government. And that he be paid for the same the next Session of Assembly after he shall have sent such copys.

Received from the Upper House the Bill for an Act for the better regulating the Militia of this Government. Endorsed Ordered to be engrossed.

The House adjourned till to-morrow 9 ªClock

Friday the 22ᵈ of August 1740. The House met according to adjournment.

Received a Message from his Excellency the Governour commanding the imediate attendance of this House with what Bills are engrossed.

Mʳ Speaker with the House waited on his Excellency the Governour with the following Bills vizᵗ

The Bill for granting an Aid to his Majesty &c: and the Militia Bill. To which his Excellency assented and ordered the great seal of the Province to be affixed thereto.

Then was pleased to make the following Speech.

Genᵗ of His Majesty's Council Mʳ Speaker and Genᵗ of the House of Burgesses

I cannot put an end to this session without expressing the highest Satisfaction with the great and many eminent services you have done your King and Country during this time of your sitting the Laws you have passed whether Publick or of a more private nature are such as will convince the people you represent how much you had their Interest and the publick good at heart and they are more in Number than ever were made by any Assembly in this Province before.

It was a great pleasure to me at the Beginning of your meeting to observe you so unanimous in your resolutions to assist his Majesty to do himself and his injured subjects Justice against a barbarous and insolent Enemy and if you had not been able to execute these resolutions by reason of your different opinions as to the manner of doing it I should have imputed this Misfortune to any other cause rather than to your want of Loyalty and regard to his Majesty You have now given evident proof of your unfeigned Zeal for his Majesty's service and considering the circumstances of the Country contributed as Liberally as any of our neighbouring Colonies. The funds you have granted are indeed rather too remote to answer the imediate and pressing demands for embarking the Troops but as there was no possibility of avoiding this as the affairs of the Province stand at present so I must do you the justice to take notice that nothing has been wanting on your parts to prevent the ill consequences that may arise from it I shall take care to represent in the proper place with what cheerfullness and willingness you have complyed with his Majesty's demands and how much his subjects

in this Province deserve his countenance and protection. I shall be particularly carefull that what Taxes you have now laid on shall be prudently and frugally managed and what savings can be made after paying the charges of the intended service shall be fairly accounted for and left intirely at your disposal

GEN^{t} OF THE HOUSE OF BURGESSES

The Method you have prescribed this Sessions for paying publick Levys by the produce of the Country will I hope very much quiet the minds of the people and be attended with all the good Effects you expect from it, I heartily wish it may lay a lasting foundation for the publick peace and tranquility and make the necessary charges of Government easy to the People

I flatter myself I shall have the pleasure of meeting you in the same happy temper and disposition next Spring and against that time you will think of some proper and effectual means of revising and reforming your Laws and getting them printed which is absolutely necessary for the security of your Libertys and Propertys

GAB: JOHNSTON

1741.

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 11. B. 53.]

MY LORDS [OF THE BOARD OF TRADE]

Thō I am sensible that the enclosed account of our Currency will come a great deal too late for the reasons I have mentioned in my last of Dec: 12, I yet think it my duty to send it that your Lordships may see that any delays either in receiving or answering letters are owing entirely to the situation of the Country and not to any neglect in me.

I must further take the opportunity to acquaint you that Robert Halton Esq^{re} member of Council has my leave to be absent for one year, he having the command of one of the four companies which went to Jamaica from this place William Forbes and James Murray Esq^{re} are admitted members of his Majesties Council the former upon a Mandamus from the Lords of the Regency, and the latter upon information from your Lordships that he was appointed by his Majesty there remains only two vacancies now the one occasioned by Eyens Esq^{re} put in by M^{r} Burrington who never was here and the other by the death of Edmund Porter Esq^{re}

I am my Lords, &c., GAB: JOHNSTON.

Edenton Jan^{ry} 14th 1741

North Carolina.

An Account of the State of the paper currency of North Carolina from the first emission of any Bills of Credit to the year 1740.

1712. The first emission of any paper currency in the Province of North Carolina was in the year 1712 at which time the Trade of it was carried on chiefly by barter (for want of a silver or gold medium) and the commodities so changed generally reckoned of proclamation standard.

To defray the charges of an Indian War then kindled the Assembly passed an act for emitting the sum of £4000 in paper currency supposed to be equal in value to so much proclamation money and past as such for some small time.

1713. The charges of the Government increasing by the continuance of the war another emission was made of £8000 which made the sum of £12000, and was this year partly sunk by a tax on the Inhabitants.

This last emission depreciated the value of the whole about 40 ℔ cent.

1714. This year an additional sum of £24000 was emitted by an act for paying the remaining part of the debts of the Government and for sinking the remaining part of the sum of £12000.

1715. The above act was continued and althō from that time to the year 1722 several Sums were sunk out of the currency then subsisting yet the bills were depreciated nigh 8 ℔ cent from the vallue of their first emission.

1722. There not appearing to be more than £12000 paper bills current in this Province and those defac'd and torn. An Act past for making the sum of £12000 for exchanging such of the paper bills as were then current &c:

From this year to 1729 the above sum subsisted and generally past current at the proportion of five for one sterling

1729. An Act past the Assembly for making and emitting the sum of £40000 paper bills of credit £10000 was appropriated to exchange as much of the old currency (£2000 of which being then supposed to be lost) and the other £30000 let out on land security for fifteen years at the rate of 6^{s} 4^{d} ℔ cent interest together with one fifteenth part of the principal to be annually paid to the Treasurer which Interest and principal was to be sunk as the payments should be made and the whole by that calculation to be sunk in 15 years.

1734. There being a large Quit rent due to the Crown as well as a considerable tax to be levied for the contingent charges of the Government since the year 1729. And it being apprehended that the sinking the paper bills according to the last mentioned act would be a great hardship and inconvenience to the Inhabitants for want of a sufficient cur-

rency to discharge his Majesties rents. and other necessary charges of the Government. An act past the 1st day of March 1734 entituled an act for stamping and exchanging the present bills of currency wherein further time was given for the sinking the said sum of £40000 till the law by which it was emitted should expire.

At the same time another law past for making the sum of £1250 additional currency to be sunk by a Tax and Duty upon liquors in 5 years. so that There is now subsisting in this Province the sum of £52500 bills of credit. The difference between sterling and the said bills has been adjudged for these four years past to be as ten for one and is so paid and received at this time which is at the rate of 52s 4d paper currency for an ounce of silver.

[B. P. R. O. North Carolina. B. T. Vol. 11. B. 56.]

Mr Sharpe for an Act on behalf of Nicholas Rice Esqre Secretary to His Majesty's Province of North Carolina beggs leave humbly to submit to the consideration of the Right Honourable the Lords Commissioners of Trade and Plantations the following Observations on and Objections to an Act passed in the said Province The Twenty first of August last Intituled an Act to appoint able and skilfull Clerks for the several County Courts within this Province and for the better securing and safe keeping the Records of the same.

The said Nicholas Rice is by his Patent entituled to the Office of Clerk of all the Courts in the said Province and agreeable thereto he and his Predecessors to the time of passing this Act have constantly and within any Interruption or claim to the contrary appointed Clerks to the respective County Courts in the said Province and who have constantly officiated as such to the General Satisfaction to the said Province and without any Complaint having been ever made against them.

But the said Nicholas Rice having had the misfortune to incurr the Governors displeasure thō without any just cause given he was some way or other to feel the weight of his resentment—And with that view in August last the above act was passed—But which it is humbly hoped hath no foundation to support it either in the Preamble or in the enacting part of it.

The Preamble consists of the 5 following Facts vizt

First. That great complaints have been and are daily made by the Inhabitants of the said Province that the Records of their respective County Courts are irregularly kept or wholly neglected to be kept.

Second. That this is occasioned by the County Court Clerks not being obliged to reside in their Countys.

Third. That several persons have been appointed Clerks not sufficiently qualified or capable of such Employment.

Fourth. That great complaints have also been made that several Clerks of the County Courts in the said Province have enacted very exhorbitant and other Fees than established by the Laws of the said Province—and

Fifth. That this was occasioned by their buying and paying large sums for their commissions or appointments more than the profits would bear to the great grievance of the People.

Now every one of these Facts are meer Invention and surmize calculated contrary to the Truth to deprive the said Nicholas Rice of the benefits intended him by his Letters Patent and to take from him the enjoyment of this considerable branch of his Office which he and all his Predecessors had constantly before held and enjoyed.

As to the first Fact, the Records of the respective County Courts have been always kept with great care and regularity and no complaint was made to the Assembly or otherwise on this head or any the least proof given in support hereof thō it is so formally recited in this Act And the truth of this will appear on the face of the Minutes of Assembly now before your Lordships Besides however this if true might require to be redressed in a proper way It would not be a foundation for an Act of this kind to divest M^{r} Rice of these Offices and if it shall appear no complaint whatever was made on this head to the Assembly, It is hoped that will be a full confutation not only of this first part of the recital but likewise of the

Second Fact alledged in this Preamble which is consequential to and dependant on the first. But this part of the Preamble is intended to strike at two particular persons one of whom who has one of these Clerkships is Deputy Secretary to the said Nicholas Rice and has been Deputy Secretary to the Province for seventeen years past without any complaint against him and the other who has another of their Clerkships now is and has been for several years Clerk of the General Court and who are both excellent Officers and by much the most experienced and capable to officiate in places of this kind of any persons in the Province—And they have always taken such effectual care to have proper persons attending at their respective County Courts when they have happened to be absent that the Business of their respective Courts hath not at any time suffered when they have happened to be absent which has been but very seldom they having generally officiated at their County

Courts in person as all the Clerks to the other County Courts have always done and no complaint was ever made on this head or any mention made of any the least Inconvenience arising from it till it appeared in the Preamble of this Act. Besides a regulation of this kind if necessary might have been made without taking the offices themselves away from the said Nicholas Rice.

The Third Fact is equally groundless with the proceeding—The said Nicholas Rice having always appointed to these Clerkships the ablest and fittest persons he could find and those who were in all respects best qualified to discharge that Trust and no complaint was ever made to the Assembly on this head nor any the least proof or evidence in support of this charge laid before the House as will fully appear from the Minutes of the Assembly transmitted to your Lordships notwithstanding it is thus possitively affirmed in the Preamble of this Act—Neither if this was true It would be no foundation for an act of this kind thō it would require to be remedied in a proper way.

The Fourth Fact has no better foundation for its support than any of the preceding No complaint having been or any proof whatever not so much as a single instance laid before the Assembly of any Exaction or any other Fees being taken by any one of these Officers than those established by Law as will likewise appear from the Minutes of the Assembly now in your Lordships Office Besides this is not sufficient to support so severe a Law as this—The Law of the Land is open to punish such Acts as these and there is now [no] Court or Jury but will go every length in their power to punish them and the partys thus imposed on will be always ready to apply to 'em for relief—But no action was ever brought for Extortion or Exaction against any of these Officers nor a single instance of any thing of this kind laid before the House—And therefore M^{r} Rice notwithstanding what is thus unwarrantably asserted in this part of the Preamble hopes he may be allowed to insist they have none of 'em ever been guilty of it If they have it has never been done with his Encouragement connivance or knowledge.

The Fifth Fact is equally groundless as the rest there having been no complaint made or any proof whatever laid before the House to support it—And in Truth M^{r} Rice hath never taken from these Officers more than the customary consideration and acknowledgement usually taken by all former secretarys—notwithstanding the great Increase of Business in those Offices of late years—And what M^{r} Rice hath thus taken is so very inconsiderable as not to be worth mentioning hardly taking, so farr is it from being a means or occasion of the Clerks exacting or taking exhorbitant Fees—Besides this if it called for it, might have been remedied in a more proper way than by passing a Bill of this kind.

Mr Rice solemnly averrs he never had any Complaints made of any of these Clerks save only as to one of 'em and upon Mr Tart a Member of the lower House representing it to him he immediately displaced such person and put a new one in his stead.

And whoever has the superintendency or appointment of Under Officers can do no more than supply what is wanting and rectify what is amiss so soon as he is informed of it which Mr Rice never refused doing But so far from it That upon a meer surmize and loose Report without any formal complaint made that some County Clerks were negligent of their Duty in one particular He presently issued and sent circular Letters to the Chairman of the several County Courts recommending to them to have a strict eye upon the Clerks that they did their Duty and desiring to be informed from them when the Clerks failed therein that he might take such order in relation to such Clerks as should be found requisite to redress any grievances complained of

If the Preamble be without foundation the enacting part which is wholly built upon it must fall to the ground but there are many other and very material objections to this act.

First. As it affects the Prerogative and the Rights of the Crown For as Mr Rices is a Patent Place given by the Crown This Act is for the Assembly to tear these places out of the Gift of the Crown and to vest the disposal of 'em in themselves An attempt which the Plantation Legislatures have never yet been indulged in and should they carry it in the present instance the Patent Officers of the Crown in all the other British Plantations would soon feel the weight of this President. All the Patent Officers who are generally Gentlemen who go from hence being in general looked on with a very envious Eye by the Planters.

It is likewise apprehended that the Legislatures in our Plantations have no power by any act of theirs to vacate a grant made by the Crown and passed under the great seal of Great Britain and that this and every other act that attempts anything of that kind is a nullity in itself and void ab Initio It not being a matter proper for the Exercise of their Power.

Second. It is not the Province of a Legislative Power to deprive any subject of an Office or Freehold by an extraordinary Act to be passed for that purpose. This ought only to be done in the ordinary course of Justice and by the Rules of the Common Law unless in Cases of the most flagrant and crying nature and where Justice cannot be had in the common and ordinary way and then it ought only to be exercised by the Legislative Power of Great Britain

Third. If any Power of this kind could be properly exercised by a Plantation Legislature it ought to be exercised with the greatest caution

The party to be affected ought to have Notice to defend his Property and to be heard by Council and Witnesses in his Defence and the Evidence on both sides transmitted home as was lately done in the case of Mannings Divorce Bill from Jamaica and a Clause ought to be inserted in the Bill giving the Officer an Allowance by way of Equivalent for the Office taken from him a Clause of which kind was indeed unanimously inserted by the Council thō rejected by the Assembly.

Whereas nothing of this kind was done in the present case nor any hearing had or any one Witness examined in the cause But the whole carryed on with a very high hand and passed as an act of meer power.

But these thō abundantly sufficient are not all the objections to this act, there remains still very strong and unanswerable ones. It being passed in direct breach and defiance of several of the Royal Instructions to the Governor For

Fourth. The Governor is expressly and in the strongest Terms commanded by his Instructions to protect the Patent Officers of the Crown in the enjoyment of all their just Rights and to give 'em all the countenance in his power and in case of any misbehaviour in the Patent Officers the Crown hath by another Instruction reserved the Inquiry into and punishment of that matter to itself and for that purpose the Governor is directed to transmit an Account thereof home to the Secretary of State and to your Lordships and if the Offence be of a flagrant nature the Governor is impowered in the mean time to suspend the Patentee security being first given to be responsible to the Person suspended for the profits if the suspension should be taken off by his Majesty. Which Instruction lays down the Rules for the Governors conduct with regard to the Patent Officers of the Crown and is wisely calculated so as to preserve both the Prerogative and Rights of the Crown and at the same time to secure the Rights of the Officer and to protect the subject from all imposition and abuse—But all these wholsome Provisions are broke in upon and overturned by this Act which plainly passed in open contempt of every part of this wise and necessary Instruction and yet this Instruction was insisted on in the Debate amongst the Members of the Council against passing the Bill.

The Governor is likewise expressly instructed not to assent to any act of an extraordinary or unusual nature wherein the Prerogative of the Crown or the property of the subject may be any ways affected without incerting a suspending clause to prevent its having any effect till his Majesty's pleasure should be known upon it—An Instruction which if the Governor had paid the least regard to it is impossible he could have assented to a Law of this kind which so very materially affects the Pre-

rogative of the Crown and the Property of the subject—without incerting a suspending clause in it and which in the present instance seems as absolutely necessary to have been done as in any that can possibly happen and this Instruction was likewise particularly mentioned and insisted on in the Debate of the Council and a suspending clause insisted to be incerted in the act in obedience thereto

It is therefore hoped if there was no other reason for it than its being so directly passed in opposition to these clear and possitive Instructions that this act will be reported by your Lordships as proper to be repealed.

If the Patent Officer misbehaves in his Office the person injured has three ways of applying for releif—One by Action at Law—the other by Petition against him to the Governor and Council who if there be sufficient cause for it has power to suspend the Patent Officer and to transmit the Petition and Evidence in support of it home to his Majesty for his Directions upon it—And the third by Petition directly to the King in Council so that there can never be occasion for the Legislature to interpose in cases of this nature and whenever they do it is plainly done with an Intention to encroach on the Royal Prerogative

After having laid before your Lordships the above objections to this act it seems unnecessary to trouble you any further—I shall therefore only add in general that the Profits of the Secretary's Office which before were very small If this Act stands will be so reduced as to be unable to support the Office.

All which is most humbly submitted to your Lordships great Wisdom by

My Lords, your, &c., JNO. SHARPE
Agent to the said Nicholas Rice.

M^{r} Rice and M^{r} Moseley Members of the Council having entered their Protest against this Bill I begg leave to refer your Lordships thereto as entered in the Council Journals.

(Endorsed)
Received from J. Sharpe August 12th 1741.

[B. P. R. O. North Carolina. B. T. Vol. 21. p. 286.]

Sir [Gov. Gab. Johnston]

Since our letter to you of the 26th June 1740 We have received yours of 17 December 1740, 14 Jan^{ry} 174$\frac{0}{1}$ and 15th April 1741.

We observe in the first of these that you complain of the difference that is to be met with in the copies of the Acts of your Province passed in the time of the late Proprietors, this is a misfortune for which there is hardly any remedy unless you can prevail with the Council & Assembly to appoint a joint Committee to supervise all the laws of the Province and certify to you when they have done so that they are the most correct copy that can be made of the laws in North Carolina after which we shall expect to have them transmitted to us under the seal of the Colony.

We are very glad to hear that the people under your government have concurred so cheerfully with the other plantations in furnishing their quota of assistance against the Spaniards

The state of the paper currency of North Carolina (which came in your letter of 14th Janry last) arrived too late to be laid before the Parliament last Sessions as it ought to have been however it will be of use at the next meeting if called for in the meantime we shall take it into consideration.

The state of the Council which you sent us in your letter of 15th April last is not in any sort answerable to our directions sent you by our letters of the 17 Janry $173\frac{9}{40}$ and of the 26th of June 1740 and till you shall send us a Relation agreeable to those directions we cannot determine whom we shall recommend to His Majesty to fill any Vacancies that may be in your Council.

In the same letter you desire directions in what manner you are to proceed in collecting the Quit rents since the Lords Justices have repealed the late Act concerning the same As His Maj. has thought proper to appoint a new Officer to inspect the state of his revenue in the two Carolinas till we hear from that Officer we can say nothing to you on that subject save only to recommend to you to make use of such means as the Laws at present in being have provided to do the King justice.

We have only further to acquaint you that we desire that once in six months you would send us over a list of such of the Members of the Council in your government as are either dead or absent and that with regard to the last you would specify from whom and for how long a time they have their license, And that you take care to make an annual return to the general Queries copy whereof is herein closed that we may be apprized from time to time of any alterations that may happen in the circumstances of your government. So we bid you heartily farewell and are Your very loving friends and humble servants

M. BLADEN.
R. PLUMER.
JA. BRUDENELL

Whitehall August 26th 1741.

[B. P. R. O. North Carolina. B. T. Vol. 11. B. 58.]

Sir, [Secretary of Board of Trade]

I have this date transmitted several representations and Memorials to the Right honorable the Lords Commrs of His Majesty's Treasury, and to the Right honorable the Lords Commissioners for Trade and Plantations, but as it is in time of war, I have sent the representations by different ships. When I wrote you the 4th of June I had great hopes that a rent roll Bill would be passed agreable to the resolutions the Assembly had then entered into, which was in substance agreable to the Proposals which I made to the Assembly. But several of the Members of the Council underhand has given all the opposition in their power, and at last prevailed on the Assembly to order the Bill to be printed that they might know the opinion of the Planters thereupon, when this was done their creatures raised an opposition in the Country, and got a set of Gentlemen returned upon the Grand Jury, which was held at Charles Town the 25th of October last, who had the Bill returned to them, and afterwards condemned the Bill as prejudicial to the interest of the Province. Those facts are difficult to prove, though they may at the same time be evident to every person in the Province, and I humbly apprehend that while those that are in trust and direction of the affairs of Government are left at liberty to evade His Majesty's instructions with impunity that the Offices can never be properly regulated And that at last the Province in America will grow so untractable that it will be extremely difficult to keep them to their duty I am Sir, &c.,

HENRY McCULLOH

Wilmington North Carolina 12th Novr 1741.

[B. P. R. O. North Carolina. B. T. Vol. 11. B. 59.]

My Lords [of the Board of Trade]

I think it my duty to inform your Lordships that we have attempted to procure a new Quit Rent Law in an Assembly lately held at Wilmington.

All imaginable precautions were taken to secure the success of this Affair.

The Assembly was called in the most Southern part of the Province on purpose to keep at home the Northern Members who are most numerous and from whom the greatest opposition was expected And some of the most troublesome leading men were prevailed upon to be absent.

By this management there were present but two Members more than was necessary to make a house, which then consisted of the most moderate and most sensible men of the Colony And yet after all this pains and the Commission His Majesty was pleased to appoint for quit rents His useing all the address he was master of it was impossible to bring them to consent to any Law near so advantageous to the Crown as that lately repealed.

They still wanted to crowd in more commoditys, and at higher prices, so that after trying all methods for four weeks together I was forced to prorogue them without bringing this matter to a conclusion.

It may be easily believed that the Officers of the Crown used their most strenuous endeavors to accomplish this affair because their bread depends upon it, their past experience having sufficiently convinced them how vain an attempt it will prove to pretend to collect the Quit rents without an Act of Assembly.

Every body here despairs of seeing so good a law passed, as that lately repealed. I wish they may ever see so good a one But how the face or appearance of Government can be kept up is what I am at a loss to conceive now the officers are deprived of their salary and Fees, for the latter are abolished as well as the former by the great restrictions laid on the land Office from whence their Perquisites chiefly arose.

I should be glad to know from your Lordships how I am to behave in this case, & likewise to receive your directions how I am to proceed in collecting the Quit Rents.

That the people will be refractory in paying now there is no law, is what I have not the least reason to doubt, and to destrain upon every single person is an infinite labour.

I am, my Lords, &c.,

Edenton 21. Dec^{r} 1741. GAB: JOHNSTON.

[B. P. R. O. B. T. Journals. Vol. 50, p. 17.]

BOARD OF TRADE JOURNALS.

At a Meeting of His Maj. Commiss^{rs} for Trade and Plantations Tuesday Feb^{ry} 10th 174$\frac{0}{1}$

Present Lord Monson, Col. Bladen, M^{r} Ashe.

Read a letter from the Duke of Newcastle dated Feb^{ry} 9th 174$\frac{0}{1}$ inclosing copies of two Addresses of the House of Commons to the King

one desiring an account of the Quit Rents of North and South Carolina, the other desiring an acc^{t} of the present Governors in America and their appointments as likewise of the vacant Governments there and of the salaries and appointments thereunto respectively belonging and signifying his Maj. pleasure that this Board should comply with the said addresses.

[Page 35.]

Thursday March 19th 174$\frac{0}{1}$.

Present Lord Monson

Col. Bladen.	M^{r} Ashe
M^{r} Brudenell.	M^{r} Plumer

The Secretary laid before the Board 13 Acts passed in North Carolina in the year 1740.

Ordered that the said Acts be sent to M^{r} Fane for his opinion thereon in point of law.

[Page 41.]

Tuesday April 14th 1741

Present Lord Monson.

Col. Bladen.	M^{r} Ashe
Sir Ar. Croft.	M^{r} Plumer.

Read a letter from M^{r} Johnston Gov^{r} of North Carolina to the Board dated at Edenton Dec. 17. 1740.

[Page 92.]

Wednesday Aug. 12th 1741.

Present Lord Monson

Col. Bladen.	M^{r} Brudenell
M^{r} Plumer.	M^{r} Keene

Read two letters from M^{r} Johnston Gov^{r} of North Carolina the one dated at Edenton 14th Jan^{ry} 174$\frac{0}{1}$ acquainting the Board with the state of the Council there and inclosing an account of the state of the Paper Currency of that Province from the first emission of money Bills of Credit to the year 1740.

The other dated at the same place April 15th 1741 signifying his want of direction about passing a new Quit rent Act in the room of the last repealed and recommending M^{r} Gould and M^{r} Scarborough to supply the two vacancies in Council

[Page 98.]

Wednesday Aug^{t} 26th 1741. The draught of a letter to Gabriel Johnston Esq. Gov^{r} of North Carolina in answer to such as have been rec^{d} from him since the Board's last letter to him was agreed transcribed & signed.

[Page 109.]

Thursday November 12th 1741.

The Secretary laid before the Board the following copies of Orders of Council transmitted from the Council Office the 15th of last month and the Titles of the same were read Viz:

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[Page 111.]

Order in Council dated the 8th of Septr 1741, approving the draught of additional instructions prepared by this Board for the respective Governors of Jamaica Barbados, the Leeward Islands, Bermudas & Bahamas, Virginia, New Jersey, South & North Carolina concerning the colours to be worn by all ships having private Commissions or Letters of Marque from the Governors of those Colonies.

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[Page 115.]

Order in Council dated the 27th of Novr 1740 approving a Representation of this Board proposing the repeal of an Act passed at North Carolina in 1738 declaring what shall be deemed a sufficient cultivation of Lands already granted by His Majesty and for ascertaining the manner of granting lapsed Land

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[From the MSS. Records of North Carolina Council Journals.]

COUNCIL JOURNALS.

At a Council held at the Council Chamber in Edenton the 6th day of March 174$\frac{0}{1}$

Present His Excellency the Governour.

The Honoble	Will Smith	Edward Moseley	Esqrs Members of Council
	Nath Rice	Roger Moore	
	Eleazr Allen	James Murray	
	Math Rowan	William Forbes	
	Cullen Pollock		

Read Sundry Petitions for Land Vizt &c

Robt Burrows 200 Currituck, Sam Bond 100 Perquimons, William Bryant 600 Edgcombe, William Cotten 250 Do, Zach Chancey 179 Perquimons, James Ellison 200 Beaufort, Robt Hilliard 350 Edgcombe, Do 350 Do, Do 500 Do, William Hilliard 300 Do, John Harmon 100 Perquimons, Aaron Hill 100 Pasquotank, Oz Jeffries 250 Edgcombe, Thos

Lovick 400 Carteret, Jno Mago 100 Beaufort, Jno Norfleet (but 633 returned) 640 Perquimons, Jno Perry 600 Bertie, Thos Peirce 320 Tyrril, James Sumner 300 Perquimons, George Smith 1200 Currituck, Jno Thomas 300 Craven, W^{m} Wilson 300 Edgcombe, Jno Winns 150 Bertie, D^{o} 500 D^{o}, Jos Winslow 225 Perquimons. Granted.

At a Council held at Edenton the 10th day of March 174$\frac{0}{1}$

Present His Excellency the Governour

The Honoble	Will Smith	Edward Moseley	Esq^{rs} Members of Council
	Nath Rice	Roger Moore	
	Eleaz^{r} Allen	James Murray	
	Math Rowan	Will: Forbes	

Read Sundry Petitions for Land Viz^{t}

W^{m} Arkill 250 Chowan, W^{m} Bell 500 Edgcombe, W^{m} Blithe 500 Bertie, Henry Crawford 200 D^{o}, Stephen Clayton 100 Edgcombe, Jno Danson 300 Bertie, Jas Hamilton 100 Beaufort, Will^{m} Houston 300 Carteret, Tho Hart 200 Edgcombe, Robert Inman 400 D^{o}, Wallace Jones 640 D^{o}, Roger Jones 150 Beaufort, D^{o} 600 D^{o}, W^{m} M^{c}Koy 600 Edgcombe, Pat Ognin 640 Bertie, W^{m} Pace 130 D^{o}, Jo^{s} Pearson 640 D^{o}, Jno Pope 400 Edgcombe, Thos Rawlings 596 Craven, Jno Roberts 400 Carteret, Jno Sherar 190 Bertie, Tim. Truelove 250 Chowan, W^{m} Wilson 100 Bertie, Jno D^{o} 300 Beaufort, Jno Ward 400 Chowan. Granted

At a Council held at Edenton the 11th of March 174$\frac{0}{1}$

Present His Excellency the Governour

The Honoble	Will Smith	Edward Moseley	Esq^{rs} Members of Council
	Nath Rice	Roger Moore	
	Eleaz^{r} Allen	James Murray	
	Math Rowan	W^{m} Forbes	

Read Sundry Petitions as follows Viz^{t}

Francis Allways 300 Carteret, Will^{m} Adams 436 Beaufort, Jas Ball 100 Carteret, Jos Barrow 600 Beaufort, W^{m} Bly 560 Bertie, Jno Bond 100 Beaufort, W^{m} Cannon 150 D^{o}, W^{m} Casson 200 D^{o}, D^{o} 200 D^{o}, David Cannon 500 D^{o}, W^{m} Davis & Geo Bold 100 Carteret, Ralph Evere 160 D^{o}, Joseph Fulford 400 D^{o}, Rich^{d} Ogden 150 N. Hanover, Mich^{l} Pasquornett 400 Carteret, Thos Page 144 Bertie, Peter Parker 640 Chowan, Henry Stanton 640 Carteret, Jno Small 300 D^{o}, W^{m} Skinner 600 Chowan, Richard Whitehouse 250 Onslow, Jno Forbes 300 Beaufort, Tho Haufford 200 Bertie, Sam Holliman 210 Edgcombe, Jno Hodgson 350 Carteret, Abr^{a} Hill 185 Chowan, Oz Jeffries 300 Edgcombe, Henry Kings 400 Chowan, James Leggit 250 Tyrril, Jeremiah

Mitchin (143 ret^{d}) 350 Chowan, Ja Manney 640 D^{o}, Jno Nelson 320 Carteret, D^{o} 100 D^{o}, Thos D^{o} 100 Craven, Geo Revit 500 Chowan, R^{d} Sanderson for a resurvey p^{t} of a tract 3333, 408 Perquimons, Sam Swanns D^{o} D^{o} 408 D^{o}, David Shepard 100 Carteret, W^{m} Taylors 200 D^{o}, Jno Vanpelt 150 Bertie, Tho Whitmall 640 Tyrrill Granted

Henry Winslow for a resurvey of a tract of 3333 Acres in Perquimons—Granted for a resurvey only only Ordered that the several parts be laid off in the Plot to be returned ascertained by the different owners or Pretenders respectively agreeable to each persons particular Title or conveyance

At a Council held at Edenton the 12th day of March 1741

Present His Excellency the Governour

The Honoble { Nath Rice, Will Smith, Eleaz Allen, Math Rowan, Cullen Pollock, Edward Moseley, Roger Moore, James Murray, W^{m} Forbes } Esq^{rs} Members of Council

Read Sundry Petitions as follows Viz^{t}

Rich^{d} Atkinson 300 Bertie, Jas Castelaw 300 Craven, Jos Dawson 200 D^{o}, W^{m} Brice & Fra for a resurvey of a tract in Craven, Geo E Land, 250 D^{o}, Jno Fort 150 D^{o}, Rob^{t} Hines 200 D^{o}, Jno Rouse 150 D^{o}, Jas Simons 319 D^{o}, W^{m} Staford 128 Beaufort, Jas Taylor 100 Craven, W^{m} Wallis 200 Beaufort, D^{o} 300 D^{o}, W^{m} Hancock for a resurvey Craven, Bonus Loftin 230 D^{o}, Jno Marshal 270 D^{o}, Zach Nixon 84^{ac} 3 rods Pasquotank, Edw^{d} Phelps 83 D^{o}, Geo Pool 100 Craven, George Roberts 640 D^{o}, Edmund Smithwick 100 Tyrril, Fra. Stringer 640 Craven, Fra Speight 573 D^{o}, Jno West 250 D^{o}, Rowland Williams 300 Bertie. Granted

Read the Petition of W^{m} Wilson for a Patent for 350^{ac} in Craven joining the Plantation whereon he lives Ordered that it lye over till a Resurvey be made and returned persuant to a Petition of Francis and W^{m} Brice.

Read the petition of Francis and William Brice for a Resurvey of a Tract of land in Craven bequeathed them by their Father in relation to which a dispute has arisen between them and Col Wilson which latter has bo't a part thereof Granted and Ordered that the Land sold out of the said Tract to said Wilson be distinguished in the Plot of the whole.

At a Council held at Edenton 17th day of March Anno Dom 1740 [1741]

Present His Excellency the Governour

The Honoble { Will Smith, Edwd Moseley, Nath Rice, Roger Moore, Eleazr Allen, James Murray, Math Rowan, Wm Forbes } Esqre Members of Council

Read Sundry Petitions for Land Vizt

Jno Alston 200 Edgcombe, Jno Avent 300 Bertie, Jno Arnold 180 Edgcombe, Wm Bush 300 Craven, Jno Blackman 100, Do, Richard Bird 150 Do, Richd Bennet 200 Edgcombe, Wm Cohnne 250 Do, Richard Coverton 640 Do, Jos Crenshaw 640 Do, Jno Ferrill 300 Do, Jno Marloe 450 Bertie, Richard Moore 300 Bertie, Do 200 Do, Do 200 Do, Seth Pilkington 300 Beaufort, Do 400 Do, Rice Price 133 Craven, Parker Pierce 300 Beaufort, Thos Page 300 Craven, Francis Parkers 200 Edgcombe, Do 400 Do, Tim Pelrod 100 Do, Alexe Rouse 134 Craven, Jno Rackley 640 Bertie, Arthur Fort 640 Craven, John Gatlin 400 Do, Elias Hodges 177 Edgcombe, Herman Hill 300 Do, Wm Hart 300 Bertie, Hopkin Howel, 200 Do, Jno Henly 527 Perquimans, Peter Jolly 250 Edgcombe, Richd Johnson 300 Craven, Cornes Jones 640 Currituck, James McLewain 300 Craven, Jno Melton 500 Edgcombe, James Mauney 300 Bertie, Jacob Odam for a resurvey 350 Chowan, Jacob Do for the improvements he paying the widdow 150 Do, Gabriel Pickering 200 Edgcombe, Jno Parum 300 Bertie, Geo Pace 100 Edgcombe, Edwd Poore 500 Do, Francis Parker 640 Do, Jno Smith 200 Craven, Do 150 Do, Jas Stallkings 313 Do, Nichs Smith 280 Bertie, Drew Do 200 Edgcombe, Drew Smith 200 Do, Lawrence Do 200 Bertie, Joshua Sikes 200 Edgcombe, Sam Taylor 150 Bertie, Sam Williams 400 Edgcombe, Jno White 640 Currituck, Caleb Wilson 300 Do. Granted

At a Council held at Edenton the 18th day of March Anno Dom 174$\frac{0}{1}$

Present His Excellency the Governour

The Honoble { Will Smith, Edwd Moseley, Eleazr Allen, Roger Moore, Math Rowan, James Murray, Cullen Pollock, Will Forbes } Esqrs Members of Council

Read Sundry Petitions as follows Vizt

Will Alston 150 Edgcombe, Richd Bailey 191 Bertie, Jno Campbel 404 Do, Wm Vaughan for a resurvey 300 Beaufort, George Williams 150 Bertie, Thos Haufford provided Belfor Bertie, William Kinchin 230 Bertie, Wm Gregory 200 Bertie, Wm Smith Esqr 2000 Craven, Do not C. justice 150 Bertie, Gab Parker 400 Bertie, Do 300 Do, Sam Taylor 100 Do, George Williams 150 Do. Granted

At a Council held at Edenton 24th day of March 174$\frac{0}{1}$

Present His Excellency the Governour

The Honoble { Will Smith, Edward Moseley, Nath Rice, James Murray, Eleazr Allen, Wm Forbes, Math Rowan } Esqrs Members of Council

William Smith Esqr Chief Justice moved for leave to go to England on his private affairs Granted And ordered That John Montgomery Esqr Attorney General be appointed by Commission under the Great Seal to Execute the Office of Chief Justice during the absence of the said William Smith Esqr and That Thomas Hunter and Mcrora Scabro be joined with him in the quality of Associate or Assistant Justice

Ordered That Joseph Anderson Esqr be appointed to act as Attorney General in the room of Jno Montgomery Esqr for and during the space or Term that the said Montgomery shall Act as Chief Justice and that a Commission issue accordingly

Read a Memorial of Edward Moseley Esqr in reference to my Lord Carterets Rents and other dues delayed till there be a full Council

Read a Letter from William Bull Esqr Governour of South Carolina to his Excellency desiring his Excellency to recommend the miserable condition of many unfortunate Persons sufferers by the late dreadful fire at Charleston to the consideration of the Inhabitants of this Province for the Contribution of all well disposed Christians within the same who are of Ability to minister some charitable relief to the said unhappy Sufferers

Whereupon the Council were of opinion That in regard of the great Poverty of this Province any recommendations of that kind would be ineffectual not being likely to answer the End proposed in raising any Sum worth sending to their Assistance.

Read Sundry Petitions for Patents as follows Vizt

Thos Ashburn 340 Bertie, Wm Brown 150 Edgcombe, Wm Everit 200 Do, Do 300 Do, Peter Garland 172 Bertie, Mary Howell 340 Do, Jno Henby 587 Perquimons, Moses Moore 200 Beaufort, Thos Ryan 60 Bertie, Wm Smith Esq 450 Craven, James Smith 600 Edgcombe, Jno Wiggins 320 Do, Do 450 Do, Wm Williams 200 Perq., Luke White 400 Bertie, Benja Peyton for a resurvey Beaufort, Do Do. Granted

His Excellency Representing to the Board that many of the Kings Tenants have a long time neglected to pay the resurvey Rents issuing from the Lands by them held

Ordered That the Receiver General issue his Warrant to distrain upon such Defaulters as shall not forthwith comply with the Law in that case made and provided and that Proclamation issue accordingly—as also to

give Notice that such Persons as have Patents lying in the Office and neglect to take them out shall notwithstanding be distrained on for the Rents due on the Land thereby granted in like manner as if they had taken out such Patents

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At a Council held at Edenton 2d day of April 1741.

Present His Excellency the Governour

The Honoble { Will Smith, Edwd Moseley, Nath Rice, Roger Moore, Eleazr Allen, James Murray, Math Rowan, Wm Forbes, Cullen Pollock } Esqrs Members of Council

Read Sundry Petitions for Land as follows Vizt

Edward Barey 100 Bertie, William Conner 400 Edgcombe, Jas Clark 53 Onslow, Jno Edwards 595 Edgcombe, Jno Edwards 625 Edgcombe, Thos Jones 640 Bertie, Benj McKinnie 640 Edgcombe, James Everet 500 Do, Robt Forster 240 Edgcombe, Do 250 Do, Jno Grant 300 Bertie, Jno Johnston 108 Onslow, Isaac Lewis 96 Bertie, Christopher Neale 500 Currituck, Thos Neale 500 Do, Jacob Odam 154 Chowan, Rice Price 100 Chowan, Isaac Ricks 168 Edgcombe, Rowland Williams 200 Bertie, Jos Richardson 400 Bertie, Jos Sims 300 Edgcombe, Do 200 Do, Rowland Williams 250 Bertie Granted.

Read the Petition of Thomas Howel setting forth That his Warrant was filled up wrong Joseph Howel being put for Thomas praying the same may be rectifyed. Ordered that the same be rectifyed accordingly.

A motion heing made that a Warrant be issued for settling the Bounds of the Tuscecarrora Land to prevent any Incroachments or disputes with the white people who live round about them and that the Surveyor's return be Recorded in the Secretary's Office And that an Exemplification of the same under the Seal be delivered to the Indians an order passed for the Execution of the same accordingly.

The Secretary representing that great numbers of patents were made out the time limited for entering of which in the Auditor's office was elapsed whereby the Payment of the quit Rents on such Patents was postponed

Ordered, That a Proclamation issue giving notice that if such Patentees do not take out their Patents by the last day of May next following the Land conveyed by such Patents (being forfeited) will be granted to the first making application for the same

The Governor laid before the Board an Instruction from their Excellency's the Lord Justices dated the 14 Augt 1741 [?] prescribing the method of taking up land for the future by a which is directed

to grant us Land hereafter but with the following Restrictions, Viz^{t} That no Warrants for Lands issue but in Council 4 Members being present and no way interested that the Land be particularly described in the Warrant that the same be Registered with the Auditor before it be delivered to the Surveyor who shall return it in 12 months that it be for no more than 50 Acres to each Person in every family rights being first proved before the Council in default whereof the Grant to be void Further that the terms on which the Warrants issue be expressly mentioned in each Grant and that the said Grant be registered within 6 months from the date thereof in the Secretarys and Auditors Office or be void copies of which Entries to be transmitted to the Treasurer or the Lords Commissioners for trade and Plantations within twelve months from the date thereof, Which Instructions being read at the board, Ordered that a Proclamation issue to make known the said Rules and directions hereafter to be observed in Granting of Land for the Information of Such of the Inhabitants or others as may be desirous of seating any of his Majesty's Land in this Province for the future.

April the 4th 1741 Present as before.

Read the following petitions for patents Viz^{t}

James Russel 400 Tyrrel, Jno Brown 250 Edgcombe, Jno Briggs 200 D^{o}, James Cotten 640 D^{o}, Rich^{d} Jones 300 Beaufort, Arth^{r} Whitehead 300 Edgcombe, Thos Barker 600 Bertie, D^{o} 300 D^{o}, Jacob Davenport 200 Tyrrel, Thos Barker 300 Bertie, Henry Srousberry 550 D^{o}, Dan^{l} Holland 220 Hyde, Sam^{l} Williams 400 Edgcombe, Benj^{a} Bridgers 400 D^{o}, W^{m} Whitehead 300 D^{o}, D^{o} 300 D^{o}. Granted

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At a Council held at Wilmington the 20th of May 1741

Present His Excellency the Governour

The Honoble { Nath Rice, Roger Moore, Eleaz^{r} Allen, James Murray, Math Rowan, William Forbes, Edw^{d} Moseley } Esq^{rs} Members of Council

Ordered That the Attorney General draw up the form of an Oath to be tendered to all Persons applying for Land pursuant to the Instructions of their Excellency's the late Lords Justices and that he lay the same before this board tomorrow morning

Read Sundry Petitions for Land Viz^{t}

John Anderson 320 N. Hanover, Edward Moseley 1000 D^{o}, Jno Hardy 640 Beaufort, John Jones 196 Pasquotank, Thos Delaughan 400 N. Hanover, Roger Moore 356 Bladen, Bowen Clifton 320 New Hanover,

Neale McNeale 500 D°, Will Ambers 100 D°, John Rutherford 640 D°, R^d^ Batchelor 300 D°. Granted

At a Council held 21^st^ May 1741

Present His Excellency the Governour

The Honoble { Math Rice, Roger Moore, Eleaz Allen, James Murray, Math Rowan, William Forbes, Edward Moseley } Esq^rs^ Members of Council

Read Sundry Petitions for Land Viz^t^

Henry Owen 142 Craven, Sam^l^ Jasper 341 D°, Corn^s^ Harnet Jr. 300 N. Hanover, Tho^s^ Failes 200 Craven, Jno Blackman 100 D°, Mich^l^ Raisher 250 D°, Jos Bryan 225 Craven, Jos Dawson 200 D°, Jacob Giddins 250 D°, Abr^a^ D° 110 D°, Henry Jonecan 100 D°, Benj^a^ Eason 320 Onslow, Abr^a^ Busset 200 Craven, W^m^ Dry 125 N. Hanover, Jno Dudley 175 Onslow, Valentine Wallis 142 D°, Sam Thonton 400 Bladen, Thos Jones 400 D°, W^m^ Russell 600 D°, Hector McNeale 640 D°, Jas Pointwint 640 N. Hanover, Thos Mathews 50 Bladen, Pat Stewart 640 N. Hanover, Alex Kilpatrick 200 Craven, Corn^s^ Lofton 100 D°, Henry Atkinson 130 D°, W^m^ Mace 330 Beaufort, Simon Burney 400 D°, Jonathan McLessus 400 Craven, W^m^ Ryley 320 N. Hanover, Jno Boan 200 Craven, Arth Bryan 300 D°, Thos Cane 100 Craven, W^m^ Baron, 200 D°, Jas Coward 150 D°, Thos Fermer 94 D°, W^m^ Coward 65 D°, Jas Jones 300 D°, John Gray 400 Edgcombe, Edw^d^ Mashburn 150 Onslow, Timothy Bloodworth 640 N. Hanover, Jas Weight 200 Onslow, Chas Cox 640 D°, Henry Oberry 250 Craven, Sam. Johnston 200 Onslow, James Thompson 360 N. Hanover, James Moore D° 360 D°, Timothy Bloodworth 300 D°, W^m^ Punctock 662 Craven, Sam Swann 1000 N. Hanover, Thos Page 200 Craven, Arch McNeale 320 Bladen. Granted

Sundry Persons appeared before the Governour and Council and made oath to the N° of Souls of which their families respectively consist in order to their being entitled to take up Land in such proportion as his Majesty has been pleased to direct by his Royal Instructions viz

Armand DeRoset of New Hanover to 6 Persons, Jno Montgomery Esq^r^ Chowan 16, Edward Moseley Esq^r^ N. Hanover 91, James Murray Quinter Ditto 6, William Henderson Craven 3, James M°Lewain Ditto 11, Jno Gready Bladen 9.

Read the Petitions of William Mace 330 Beaufort Granted

His Excellency was pleased to propose to the Board the Settling the Militia at Cape Fear and desired their Advice and assistance therein and that accordingly they would think of proper Officers to put into Commission and that they would lay out the Districts and give in a list of

such Persons as they would recommend for field Officers and for Captains in the said several Districts

A Patent to Caleb Metcalf deceased for 400 Acres being produced before the Board with a Petition praying that the Date might be altered from 1735 to 1736 the latter being the true date thereof. Granted and Ordered that it be accordingly altered in the Records of Grants in the Secretary's Office and the Auditors Rent Roll

Read the Repeal of Quit Rent Law. Ordered that Proclamations issue accordingly to give notice thereof

Read a Letter to the Governour from the under Secretary of State Signifying their late Excellency's Directions for prevention of the Exportation of Provisions to any foreign Colony. Ordered That Proclamations issue Accordingly.

May 22d 1741.

Present His Excellency the Governour

The Honoble	Nath Rice	Roger Moore	Esqrs Members of Council
	Eleazr Allen	James Murray	
	Edw Moseley	Will Forbes	

The following Persons proved their Rights Vizt

Anthony Lewis Onslow 14, Steph Howard Do 11, Jno Cox Do 4, Joseph Howard Do 9, Thos Brown Bladen 17, Henry Hollingsworth N. Hanover 2, Fra Brice Carteret 15, Richd Lovit Craven 11, Cornls Harnet N. Hanover 25, Dan Dimbibin Do 6, Richd Hallier Do 5, Chas Williamson Onslow 6, Nath Rice N. Hanover 25, Rufus Marsden Do 9, Wm Johnson Onslow 9, Chas Ryal Do 8, Neil McNeil N. Hanover 18, Richd Ogden Do 4, Evan Jones Do 16, James Wright Onslow 9, Jno Watson N. Hanover 8, Jas Murray Do 7.

Read Sundry Petitions for Land Vizt

Robt Hatcher 200 Edgcombe, David Hopper 100 Do, Josh Leigh 350 Edgcombe, Jacob Odam 250 Do, Wm Williams 380 Onslow, Steph Williams 300 Do, Wm Stephens 220 Craven, George Smith 200 Do, Martin Tryer 175 Do, Wm Roundtree 200 Do, John Pate 180 Do, James Parker 380 Do, James Jones 640 Bladen, Neil McNeil 320 Do, Forquel Do 320 Do, Thos Thompson 400 Do, Elias Fort 100 Edgcombe, Richard Baker 60 Bladen, George Petit 200 Craven, Philip Hinson 640 Bladen, Hugh Ward 400 Do, Lionel Lee 315 Craven, John Porter 200 N. Hanover, Wm Mayner 640 Onslow, Henry Jernegan 450 Craven, Thos Hodges 200 N. Hanover, Anthy White 640 Bladen, John Hicks 640 Do, Wm Henderson 155 Craven, Wm Rigby 640 Bladen, Richd Brasswal 200 Craven, Anthony Williams 93 Do, John Bearfield 640 Onslow, Danl Marshburn 300 Do, David Wharton 115 Craven, Thos Tyre 640 Do, Jas Stalling

64 D°, Sam Smith 200 D°, Chas Pate 200 D°, Arch^{d} Clark 150 Bladen, W^{m} Dinkins 640 D°, Jno Hitchcock 300 D°, Hugh M°Laughlin 140 D°, James Beauber 640 D°, Francis Young 640 D°, Henry Horne 200 Craven, Anth Moore 200 Onslow, Thos Morris 250 N. Hanover, Jno Westfield 640 Bladen, Charles Williamson 300 Onslow, Solomon Hughes 640 Bladen, Math. Breed 200 D°, W^{m} Walters 200 N. Hanover, David Williams 320 D°, D° 300 D°, Jasper King 400 Bladen, John Kennedy 200 N. Hanover, Rich^{d} Jones 320 Bladen, Jos Howard 640 Onslow, Rufus Marsden 640 N. Hanover, Henry Fitch 150 N. Hanover, Abra Odam 212 Edgcombe, Jno Lagtham 300 Bladen, Timothy Bloodworth 125 N. Hanover, Caleb Grainger 320 Ditto Granted

At a Council held at Wilmington the 23^{d} day of May 1741

Present His Excellency the Governour

The Honoble { Nath Rice, Eleaz^{r} Allen, Edw^{d} Moseley, Roger Moore, Jas Murray, Will Forbes } Esq^{rs} Members of Council

Read the following Petitions for Land Viz^{t}

Jno Becton 200 Craven, W^{m} Cain 18 Bladen, Tho^{s} Armstrong 150 D°, Thos Burnet 350 Craven, Lewis John 640 N. Hanover, Rich^{d} Hellier 70 Bladen

Read the Petition of Stephen Williams in the following words

That your petitioner some time ago obtained your Excellencys patent for 300 acres of land in Onslow County but through the surveyors mistake in his platt your petitioner does not lawfully hold a foot of Land in the Pet' he makeing but two courses in the survey one whereof he says is S° and then says N° to the beginning so that he has not given your petitioner any Land Therefore your petitioner prays that the said Patent may be altered agreeable to the plot and instead of N° to the beginning in the Plot and patent that it may be said in his patent along the E^{t} prong of the Swamp to the beginning

The following Persons proved their Rights Viz^{t}

Rob^{t} Walker N Hanover 20, William Wilson Craven 83, Sam Swann N. Hanover 38, James Hasel D° 39, Col Mau Moore D° 64, Edward Hyrne D° 32, Thos Cunningham D° 2, Ebenez: Holmes Onslow 7, Eleaz: Allen N. Hanover 39, Roger Moore D° 197, Jas Greganus Onslow 6, Sam James D° 9, Moses Plumer Bladen 7, Joseph D° D° 3, Cason Brinson Onslow 12, Math Platt Bladen 6, Jno Todd Onslow 10, Jno Swann N. Hanover 27, Jno Howard D° 14, Chas Cox Onslow 5, Sam Green N. Hanover 7, Alex Colvin Bladen 6, William Forbes N. Hanover 9, Jno Marshal D° 11, W^{m} Mills Onslow 9, Patrick Stewart N. Hanover 6, Mich Higgins D° 10, Henry Skibber Onslow 4

His Excellency observed to the Board that the Assembly was prorogued to the last Tuesday of July but as he knew of no urgent occasion for their meeting so soon proposed the proroguing them to the 15th of September next and further advising with them as to thē place of meeting. twas the unanimous opinion of the Council that the same should be at Wilmington and accordingly a Proclamation was ordered for proroguing the Assembly to the 15th of September then to meet at Wilmington in the County of New Hanover

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At a Council held at Wilmington 21st day of September 1741

Present His Excellency the Governor.

The Honoble { Math Rowan, William Forbes, Roger Moore, James Murray } Esqrs Members of Council

There being burgesses enou' arrived to make a lower House of Assembly but not a sufficient number of Councillors in Town to Act in a Legislative Capacity (five members being held necessary to form an upper house) his Excellency was pleased to ask the opinion of the Chief Justice whether the Lower House might notwithstanding be opened and proceed upon business, who having answered thereto, the Members of Council present advised his Excellency to summon Mr Secretary Rice who had obtained leave to go out of the province but was not yet gone forthwith to attend in order to the making a house, and carrying on the business of the Session.

At a Council at Wilmington 22d September 1741

Present His Excellency the Governor

The Honoble { Math Rowan, William Forbes, Roger Moore, James Murray } Esqrs Members of Council

The Chief Justice being called to the Board made his report of the Tryal of Michael M°Dermet who was then under sentence of Death

Whereupon it was ordered, that his Execution should be respited till this Honoble Board had examined the Minister concerning him

Then Mr Chief Justice informed the Board that Bryan Conner had been burnt in the hand for Feloniously Stealing to the value of Eight Shillings Sterling, and at the same time was found Guilty upon another Indictment of petty Larceny for which offence he was ordered by the Court to receive as a further punishment Sixty lashes, on his bare back, but that the said Connor was in a very sick and low condition Upon which it was ordered that the said whipping should be remitted.

At a Council held at Wilmington the 23d day of September 1741
Present His Excellency the Governour
The Honoble { Math Rowan, William Forbes, Roger Moore, James Murray } Esqrs Members of Council

The following persons were admitted to prove their rights in order to their taking up of Lands Vizt

James Castellaw Carteret County 41 in family, John Starkey Carteret 18, Jas Ridway Onslow 6, Richard James N. Hanover 9, Chas Petit Craven 9, William Cannady Tyrrel 11, John Lipsey Onslow 10, Wm Lipson Do 6, Wm Ryley New Hanover 5, Jas Varnum Onslow 5, Jno Ballard Edgcombe 10, Jno Pidcock N. Hanover 7, Richard Scot Do 4, Alex Colvin Bladen 11, Thos Cunninge N. Hanover 7, Thos McClendon Craven 17, George Styrring Beaufort 11, Thos Rhodes N. Hanover 9, Jno Steward Onslow 4, Jno Hardy Edgcombe 11, Jno Gray Bertie 28, Jos Meredith N. Hanover 6, Chas Cox, Do 3, Samuel Moore Onslow 6, David Williams N. Hanover 6, James Terry Edgcombe 7, Jno Wharton N. Hanover 7, Jacob Biddle Onslow 5, Richd Field Do 11, Wm Ambrose Do 6, Morgan Morgan N. Hanover 5, Thomas Hill Do 6, Thos Minyard Bladen 6, Thos Garrey Edgcombe 12, John Edwards Onslow 4, Edmund Keith Craven 6, William Brice Do 17, Wm Layton Bladen 8, Jacob Ipack Craven 8, David Morgan N. Hanover 9, Cornls Leary Do 5, Jno Clayton Bladen 17, Jno Browne Onslow 8, Jno Bradshaw Do 4, Jno Ellarby Bladen 13, David Evans N. Hanover 9, Christo Yew Craven 10, Daniel Austin Onslow 8, John Porter Carpr N. Hanover 7, Jas Browne Do 7, Richd Huff Do 6, Jno Motte Do 4, James Bell Carteret 9, Thos Gatlin N. Hanover 6, Danl Shirloe Onslow 3, Saml Sanford Beaufort 4, Jas Salter Do 9, Jas Wantland Onslow 11 John Hawkins N. Hanover 6, Wm McRea Do 10, Thos Jennings Do 9, Patrick Stewart Do 11, Jno Matchet Do 6, Timothy Clansey Onslow 1, Benja Fulsall N. Hanover 45, Jabez Spooner Onslow 5, Joseph Hudson N. Hanover 6, Thos Hutchens Do 4, Zachariah Fields Onslow 2, Jacob Lewis Do 9, Eliz. Ottey N. Hanover 5, Math. Everit Onslow 12, Arch Buoy Bladen 3, Wm Norton Do 9, Thos Corbet N. Hanover 1, Abraham Mitchell Onslow 9, Joshua Grainger N. Hanover 3, Jno Burnett Onslow 8, Arch Hamilton N. Hanover 34, William Herritage Craven 18, Thos Lowther Currituck 13, Henry Simmons Bladen 44, Edward Wingate N. Hanover 13, Phineas Stevans Onslow 5, Edmund Smithwick Tyrrell 17, Joseph Anderson Chowan 22

At a Council held at Wilmington 24 day of September 1741
Present His Excellency the Governour

The Honoble { Nath Rice, Roger Moore, Math Rowan, William Forbes, Jas Murray } Esq^rs Members of Council

Henry McCulloh Esq^r having produced His Majesty's Commission to him to be Commissioner for Supervising Inspecting and controlling the Revenues and Grants of Land in North Carolina, It was ordered to be read, which was done accordingly, And he took and subscribed the usual Oaths appointed by Law for his qualifycation And at the same time took the Oath of Office, that he would well and truly execute the same, pursuant to the aforesaid Commission.

At a Council held at Wilmington the 24^th day September 1741 P. M.
Present as before

His Excellency having informed the Board That it was His Majesty's Pleasure signified in some of his Majesty's Instructions to M^r M^cCulloh, that for the future all persons taking up lands should be obliged to seat the same according to their rights, i. e. with the person in whose right the land shall be taken up; But that such as have already obtained Warrants, shall only be obliged within three years from the date of their respective Grants to put a white man on every Tract 1,000 acres or under And two on a tract of 2,000 or above a thousand. Ordered that accordingly Clauses to that Effect be inserted in such Grants respectively as shall hereafter be passed upon Warrants already granted or that may hereafter be granted. And that the Secretary draw up a proclamation to give publick notice thereof

His Excellency was pleased to represent that as most of the lands already granted contained but a small quantity of good Soil and a very large proportion of pine barren. And at the same time took notice of the absolute necessity of encouraging white persons to settle in this Province particularly the back parts of the same And to render the previous steps requisite to the taking up of land as easy as possible. Was therefore pleased to propose to his Majesty's Council whether it was not proper humbly to represent to His Majesty that in order to encourage foreign protestants to settle in this Province and for promoting His Majesty's Service It is highly expedient to grant every person taking up lands and who are to Seat and cultivate the same by the persons in whose rights these lands are granted One hundred Acres for every white person and fifty for every black.

And in consideration of the great Expence and loss of time which must attend such persons in travelling several hundred miles to swear

to their rights before the Governour in Council it will much promote His Majestys Service and the Settlement of this Colony to permit such persons to swear to their rights before the County Courts, And a certificate of such Oath signed by the Chairman and Clerks of the Court and returned to the Governour in Council to be deemed full proof of their Rights. All which was assented to and approved by His Majestys Council.

His Excellency was pleased further to propose whether until His Majesty's pleasure can be known in these points it is not highly proper to grant lands to white persons in the above named proportions And to Allow them to prove their Rights as is above specified, And to remove all obstacles that may obstruct measures which are so beneficial to His Majesty's Service and the good of this province As these matters are under the Inspection of His Majestys Commissioner of the quit rents That the Clerk of the Council wait on the said Commissioner with a copy of these resolutions to know if he has any objections to the same And to receive his answer in writing which was likewise approved by his Majesty's Council

At a Council held at Wilmington 25 day of September 1741

Present His Excellency the Governour

The Honoble { Nath Rice, William Forbes, Math Rowan, Jas Murray, Roger Moore } Esq^rs Members of Council

The Secretary having delivered M^r M^cCulloh a Copy of the resolution of Council in relation to rights He was pleased to send him a paper upon the same subject addressed to the Governour in Council desiring it might be read at the Board which was accordingly done and is in the following words

To His Excellency Gabriel Johnston Esq^r Governor and Commander in Chief of His Majestys Province of North Carolina in Council

MAY IT PLEASE YOUR EXCELLENCY

Having received by direction of your Excellency the Copy of a resolution of Council dated the 25^th^ of September 1741 signifying the opinion of your Hon^ble^ board That in order to encourage Foreign protestants to settle in this province and for promoting His Majestys Service It is highly expedient to grant every person taking up lands and who are to seat and cultivate the same by the persons in whose right these Lands are granted One hundred acres for every white person and fifty Acres for every black. And in consideration of the great expence and loss of time which must attend such persons in travelling Several hun-

dred Miles to swear to their rights before the Governour in Council it will much promote His Majestys Service and the settlement of this Colony to permit such persons to swear to their Rights before the County Courts and the Certificate of such Oath signed by the Chairman and Clerk of the County and returned to the Governour in Council to be deemed full proof of their rights

Whereupon I beg leave to certifie that from the circumstances of this province at present the unsettled and distant Scituation of the Offices and from the several reasons contained in the said resolution

That I am humbly of opinion that the variation made in the said resolution from the late order of His Majesty in Council does not make any material difference with respect to the security of the Crown in the payment of the quit rents That it may be a means to encourage the settlement of Whites which is greatly to be desired. And that it may be for his Majesty's Service to carry the said resolutions in execution untill His Majestys pleasure be further made known thereupon

I am May it please Your Excellency Your Excey's

Most obed^{t} and most humble Servant

HENRY M^{c}CULLOH.

The following persons were admitted to prove their rights in order to their taking up of lands Viz^{t}

Richard Plair N. Hanover county white 7, Jno Felleau Craven 7, Thos Finney N. Hanover 3, Daniel M^{c}Kiken D^{o} 9, Simon Wilson Onslow white 1, black 7, Duncan M^{c}Kikin N. Hanover [white] 4, Joseph Jones D^{o} 6

Read Sundry petitions for patents for Land as follows Viz^{t}

James Alkins 400 Onslow, W^{m} Borden 498 Carteret, Josiah Bell 640 N. Hanover, Reading Blunt 300 Craven, Jno Baker 200 Bertie, Jno Brown 640 Onslow, Jas Bell & Arth^{r} Mabson 250 Carteret, Chas Cox 200 Onslow, Jno Cooke 320 N. Hanover, Rob^{t} Callahanne 100 Beaufort, John Cockrane 250 Onslow, Thos Cooke 145 Craven, Armand DeRosset 300 N. Hanover, Jacob Ipack 150 Craven, Rich^{d} James 200 N. Hanover, James Mauney 378 Bertie, Thos Martin 320 Craven, Tho^{s} Mercer 198 D^{o}, W^{m} M^{c}Ree 500 N. Hanover, D^{o} 640 D^{o}, Saml Moore 100 Onslow, Jas Noble 500 Carteret, Saml Negus 200 D^{o}, Moses Rountree 640 Bertie, Rob^{t} Ruffin 150 Craven, Rob^{t} Reford 300 D^{o}, Thos Rhodes 400 N. Hanover, John Howell 418 Bertie, Alex Fraizer 300 Carteret, W^{m} Faris 320 N. Hanover, D^{o} 100 D^{o}, Jno Gray 300 D^{o}, D^{o} 200 Craven, George Goulde 640 D^{o}, Thos Johnston 430 Onslow, Saml D^{o} 200 Craven, D^{o} 3000 Onslow, D^{o} 350 D^{o}, D^{o} 640 N. Hanover, David Jamison 150

D°, Sam James 640 Onslow, John Hart 200 Craven, W^m^ Spier 300 Edgcombe, Henry Stanton 480 Carteret, Nath^l^ Saunders 612 Edgcombe, D° 600 D°, Jonathan Swaine 400 N. Hanover, Benj^a^ Small 100 Carteret, D° 200 D°, Michael Shelford 200 Craven, Thos Tulley 300 Edgcombe, Jas Ferrey 100 D°, Edward Wingate 300 N. Hanover, W^m^ Weston 150 Bertie, Anthony Williams 640 N. Hanover, Thos Graves for a resurvey of a tract in Craven. Granted.

Read Sundry petitions for Warrants for land on Rights proved Viz

Arch Buoy 150 Bladen, Alex Colvin 550 N. Hanover, Jno Ellarby 650 Bladen, Rich^d^ Field 550 Onslow, Sam^l^ Green 350 N. Hanover, Tho^s^ Garrey 400 Edgcombe, Corn^s^ Harnet 200 N. Hanover, D° 200 D°, Jno Hardy 250 Edgcombe, Joseph Hudson 300 N. Hanover, Edmund Keight 300 Craven, W^m^ Laytham 400 Bladen, John Lipsey 500 Onslow, Jas Murray 150 N. Hanover, Thos Minyard 300 Bladen, Jas Ridgway 100 Onslow, Samuel Samford 200 Beaufort, James Salter 200 Carteret, George Styrring 100 D°, D° 400 D°, Phineas Stevens 250 Onslow, John Stewart 100 D°, David Williams 300 N. Hanover, Edw^d^ Wingate 450 D°, James Wantland 150 Onslow Granted

Read the petition of Francis and William Brice for 187 Acres front land of a large tract of old patent land on the East side of Trent river in Craven County left them by their Father and praying that a patent may not be granted to Col° Wilson on a Warrant for land near or upon the same place they apprehending the return takes in part of the aforesaid Front of the petitioners Land

Ordered that the patents to be issued to the petitioners and to Col William Wilson be of the same date and shall give to each of the parties the land that shall be found to front each of their tracts respectively But a patent to issue to neither till they have taken out Warrants and had regular returns made thereon

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At a Council held at Wilmington 29^th^ day of September 1741

Present His Excellency the Governor

The Honoble { Nath Rice, Roger Moore, Eleaz Allen, James Murray, Math Rowan, W^m^ Forbes } Esq^rs^ Members of Council

The following persons were admitted to prove their Rights in order to their taking up of land Viz^t^

John Wynns Bertie white 16, black 15; Jno Clitheral N. Hanover [white] 2, [black] 9.

Read sundry Petitions for Warrants for Land on Rights proved Viz^t^

William Kennedy 100 Bertie, Jno Starkey 150 Onslow, Edward Wingate 200 N. Hanover, Rufus Marsden 200 N. Hanover, Jno Wynns 200 Bertie, D° 400 Craven. Granted

Read sundry Petitions for Patents for Land Viz^{t}

John Porter 640 N. Hanover, Richard Lovelett 385 Craven, Richard Lovelett 130 Craven, Samuel Buxton and Isaac Edwards for a resurvey of a tract in —— Granted

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At a Council held at Wilmington the 2^{d} day of October 1741

Present His Excellency the Governor

The Honoble { Nath Rice, Roger Moore, Eleazor Allen, James Murray, Math Rowan } Esq^{rs} Members of Council

Read sundry petitions for patents for Land Viz^{t}

Martin Frank 640 Craven, William Daniel 100 Currituck, Martin Frank 640 Craven, Edward Frisby 200 D°, Warren Andrews 250 Tyrrel, Thos Little 150 Beaufort, John Crickert 95 Bertie, Jas Keith 320 N. Hanover Granted

Read sundry Petitions for Warrants for land on Rights proved Viz^{t}

John Filleau 150 Craven, Samuel Wilson 100 Onslow, John Matchett 600 N. Hanover Granted

The following persons were admitted to prove their Rights in order to their taking up Land Viz^{t}

Robert Potter N. Hanover white 6, black 2, Archibald McFarter D° [white] 3, [black] 2

The Secretary reported to the Board that the Commissioners of the Quit Rents Insisted upon the words *who shall usually reside thereon* to be added to the clause for one white person to seat a thousand acres or under two thousand and so on.

By order NATH RICE C. C.

1742.

[From North Carolina Letter Book of S P. G.]

Wilmington Feb^{y} 15, 174$\frac{1}{2}$

Rev^{d} Sir [to the Secretary]

The assembly of this Province sat here September last, and by some discoverys made me of the secret springs of their actions, I soon per-

ceived that nothing was to be done for the proper encouragem^{t} of an established ministry among them. Some pretend they want to chuse for themselves and will by no means have my Lord of London interpose in filling up the vacancys; others complain of their poverty and truly indeed because of the indolence of the generality of the Inhabitants.

Rev^{d} sir your most, &c., JAMES MOIR.

[From North Carolina Letter Book of S. P. G.]

No. Carolina Bath Town April 16: 1742.

Reverend Sir [to the Secretary]

In obedience to the order of the Honorable Society to me I send by this a true and faithful account of my services for this year from this time twelve months Viz^{t}

The number baptized by me in my Resident Parish and all other within my Mission, which are Six hundred and twenty three, beside nine adults and three negroes.

The number of the communicants in all, as above are one hundred and three.

As to the number of those who profess themselves of the Church of England Dissenters & Papists I cannot as yet send you an account thereof;

The number of Heathen & Infidels I am informed amount to two thousand or thereabouts.

I do beg the favour of you to inform their Honours with my endeavours, to promote goodness, christianity and the true Religion among the Inhabitants within my mission, but immorality is arrived to that head among so many, that it requires not only some time but great patience to conquer it; because upon my preaching upon any prevalent & predominant Sin, I must be prepared to stand the persecution of those who are guilty of it, especially in my resident Parish, in which adultery, Incest, Blasphemy, and all kinds of profaneness has got such deep root.

I shall be more large in my next, In the mean time I stand the oppression of an inveterate and obstinate Parish, govern'd by twelve Vestry men, whose only endeavour is to hinder & obstruct the service of God, being performed, they themselves never coming to hear the word of God, and dissuading as much as possible others from it and who in a particular manner exercise their malice daily against me, by depriving me of my quietness of mind and the enjoyment of the small Salary of £37: 10^{s}

per annᵐ allow'd by law, & which I am obliged to have recourse to recover, having had nothing these 4 years for the support of my Family, but what is allow'd to me by the Honᵇˡᵉ Society, for whom my humble Prayers to God, & my humble respect to your Reverence & begging the continuance of your favour, am

Revᵈ Sir, your most, &c., JOHN GARZIA.

[From North Carolina Letter Book of S. P. G.]

Wilmington April 22ᵈ 1742.

Reverend Sir, [to the Secretary]

When I was in London I signified to you that this part of the Province where I am Missionary is about 150 miles in breadth along the coast and that in some places they have settled upwards of 150 miles back from the sea The Inhabitants are very much scattered, and most of them live at a great distance from one another which renders it impossible for me to serve them as I could wish the generality of them are extremely ignorant, I baptized 210 children. I likewise told you then that there was very little encouragement for a Regular Ministry & I don't see as yet any prospect of bettering it.

Since the 15ᵗʰ of February last I have baptized 32 children & received to the communion 48 Persons. In this county which is pretty large we have about 3000 Inhabitants, two thirds whereof are Negroes, I take one half of the whites to be Dissenters of various denominations—notwithstanding I ride twice a year betwixt this and the Neuse and make all the inquirys I can, it is not possible for me to know the number of Inhabitants and what they profess we have no churches no Glebes, no Parsonage Houses, nothing so far as I can see, that discovers in the People the least intention of providing even the necessary travelling charges. We are wretchedly accommodated and at extravagant rates We are subject to so many inconveniences that I am ashamed to mention them, and don't at all wonder to hear former Missionaries were much dissatisfied & had so little inclination to stay in this Province.

The May following I acquainted you that since October last I had twice gone the length of the Neuse performing the duties of my Function in different places—that I had baptized 306 white children, & one adult, about 7 Negro Infants & two adults—that the number of communicants was but small, the most part of the people being ignorant to the last degree & little or no provision made for the necessary charges of such

as might be willing to instruct them. that the Assembly of this Province was to meet here the September ensuing. and that not a few of the Members had promised to use their endeavours to put the Clergy on a better footing than they had been heretofore.

I am, Rev^{d} Sir, &c., JAMES MOIR

[From North Carolina Letter Book of S. P. G.]

Brunswick Sept^{r} 4. 1742.

Reverend Sir [to the Secretary]

This County of New Hanover where I reside was last year divided into two Parishes Viz^{t} the Parish of St. James on the North side of Cape Fear River, and that of St. Philip on the South. The Vestry of St. James immediately after division agreed to pay me annually £50 ster. upon my consenting to be their Minister. The year before they allowed me only £16 Sterling of which not one Farthing is paid as yet. The Vestrys are chosen in this Province every other year & are empowered to fix the Parish charges & Tax the People accordingly; they make a new agreement with or reject their Minister yearly according to pleasure; and the Parishes being very large it happens that sometimes there is a majority of the Vestry in one Quarter & sometimes in another, which renders it difficult for the Minister to know in what places he shall officiate next year or whether he is to officiate at all, in that very Parish where he was elected the preceding year.

The new Vestry of S^{t} James in May last thought their Predecessors had been too generous to me & insisted on my officiating twice a Month in two different places about the distance of 20 miles from Wilmington each and once in 3 Months in two other places one at the distance of 36 Miles, the other of 60 all in the Parish and where I had officiated formerly; signifying to me at the same time, that they would allow me one Month in the year to visit the other Parishes within the bounds of my Mission; the remainder of the year was to be spent at Wilmington—with which I promised to comply upon this condition they wo^{d} continue the £50 S^{tr} p^{r} ann^{m} according to my agreement with the last Vestry. This they refused and would promise me no more than £37.˙10sh. which was the least they were permitted to give by a new Law. I immediately took my leave of them, being fully convinced from the experience of the two former years, that this allowance together with the Bounty of the Venerable Society would not defray the necessary charges of my office.

Some time after they sent for me, pretended the Parish was poor and they had some thoughts of getting me £12. 10sh. by Subscription—this I could not consent to because of the uncertainty of the very payments that are to be made as the Law directs. Several of the Gentlemen belonging to the Vestry of the Parish of St. Philip's being in Town at the time; and hearing what had passed in one Vestry gave me to know they would gladly accept of the offer I made the other Vestry. I took some time to consider this. And upon recollecting how the Venerable Society had recommended me to Brunswick & Wilmington (formerly called Newton) while they made but one Parish ordering me at the same time to be directed by the Governour, who allows me to chuse for myself, and after reading the 22ª of the New Orders relating to the Missionaries; I thought I could not in justice refuse the Gentlemen who presently agreed to give me £10 Ster: more than I desired of the other Vestry.

A Missionary in this River has a most difficult part to act, for by obliging one of the Towns he must of course disoblige the other, each of them opposing the other to the utmost of their power. Notwithstanding the majority of the present Vestry at Wilmington are professed Dissenters & endeavour'd by all ways & means to provoke me to leave that place yet they cannot endure my settlement at Brunswick—while I was their Minister they were offended at my officiating some times in Sᵗ Philip's & now to exasperate that Vestry against me, they insist on my officiating frequently among them—I lived two years & upwards in St. James' Parish & baptized many, but could never prevail with them to give me an opportunity of baptising one in the Court house which is their place of Public Worship And now that I live in another Parish, they still want me to Baptize when & wheresoever they please, which I cannot comply with, and therefore offered to do it at stated times in their Parish; but this would not satisfy them—Some of them seemed resolved to complain against me at any rate, and actually threatened to do it upon my refusing to baptize any child in their Parish when desired—I shall always be ready to perform any part of my Function at proper seasons and in proper places, & indeed upon any occasion if a just reason can be assigned—Though I cannot help condemning myself for having baptized many children here in corners, who might have been brought to the Public Service, with very little inconvenience—the better sort of People where I now live, need no persuasion (thank God) to bring their children to be Baptized on Sundays; whereas at Wilmington the meanest of them reckoned it an affront to desire them.

No Province in America as far as I can learn has more need of Missionaries & none can deserve them less—As we are subject to the humours

and caprices of Vestrys here, I cannot think it would be amiss to permit us to settle in such Parishes as are most willing to contribute towards our Maintenance; and must confess I have no prospect at all of bettering our condition here unless the Venerable Society oblige every one of our Parishes that applys to them for a Missionary to make some certain provision for him before he is sent over—And so soon as I can hear that the Venerable Society is disposed to send over any I shall not fail to let them know the particular Parishes where they are likely to be most serviceable.

I hope my Letter of April last is come to hand before this time, together with the copy of it I left to be transmitted when I set out for the Northern parts of my Mission, and now beg leave to acquaint you that since that time I have baptized 74 white children and one slave, & administered the Sacrament of the Holy Supper to 56 Persons—From the Boundary Line of S° Carolina to the S° West Branch of Neuse River we have five Countys—As to the County of New Hanover I have mentioned it already—The other four countys make but five Parishes—And the number of the Inhabitants Male and Female from 16 to 60 amounts to 7000 and upwards. they have but few Negroes among them in comparison to what we have in this County. I propose to Travel twice a year betwixt South Carolina and the Newse till another Missionary came in but shall not be able to do so above once after this Fall—For no Parish here will consent to any more, and if we have no Parish we cannot live—There are no Fees in this Province but for Marriages, and the Justices of the Peace take all of those Fees where there is no settled Minister in the Parish—Moreover my health won't permit me to undergo toil and fatigue as I have done heretofore. Many are the inconveniencys Missionarys are exposed to in this country as I could easily prove were it not I hate dwelling on such a subject, and should have never tired your patience with such hints but that too many here want to make Slaves and drudges of us and yet won't allow us any reasonable satisfaction for our pain I am Rev^{d} Sir, yours, &c JAMES MOIR.

[From North Carolina Letter Book of S. P. G.]

St. Pauls Parish So. Carolina Sept 30, 1742.

Rev^{d} Sir, [to the Secretary]

Since my last I have baptized 2 adults, one convert from Quakerism, and the other a convert from the sect of the Anabaptists. I have also

baptized 12 children as appears by the Not. Paroch, which I have enclosed.

As to the number of Inhabitants there is little alteration since my last, except some few dead, and some moved out of the Parish, and there are as many children since born. as keep the number near equal. My congregation at the Church is not large, but at the chappel I have generally about a hundred persons. I am very much concerned when I consider the number of my communicants, but I hope by God's blessing on my endeavours both in publick & private, soon to have an increase. And tho' I have had a very bad state of health this summer, occasioned I believe in a great measure, by the vast fatigue I had in the discharge of my duty being obliged to reside a great distance from both church & chapel, yet I have always performed the duties of my office when in any measure well. I hope to the edification and improvement of the people under my charge.

As yet there is nothing done by the Parish or assembly towards the repairs of the Parsonage House, the want of which has been, and is a very great disadvantage to me. I received 1 Doz. of Books of the Rev. Mr. Garden to wit, an instruction for the Indians, written by the Bishop of Sodor and Mann; which I have distributed amongst those of my Parishioners; who I judge will make the best use of them: and I doubt not but they will be of very great use and service towards the good end intended by them. For tho' we have but a few Indians; and those few unsettled in this Parish, yet we have near 4000 Negroes in it, very few of whom know any thing of Christianity at all.

If the Society thought proper to send me some few of Mr. Wall's abridgment of the history of Infant Baptism and the best answer to Barclay's Apology (if cheap, and to be had on easy terms) to be distributed amongst the people I believe they might be of great use. For as this country was at first settled in a great measure by Baptists & Quakers, so their descendants (tho' they come to church now and then) yet they still retain, and are more or less under the influence of their Father's Principles.

I am Rev^{d} Sir, your most, &c., WILLIAM ORR.

[B. P. R. O. B. T. JOURNALS. VOL. 51. P. 22.]

BOARD OF TRADE JOURNALS.

Wednesday February 24th 174½.

Present

Col. Bladen. Mr Ashe
Mr Plumer. Mr Keene
Mr Pelham.

Read a letter to the Secretary from Mr McCulloh dated at Wilmington in North Carolina Novr 12th 1741 mentioning some Representations and Memorials to the Lords of the Treasury and to this Board which he has transmitted by different ships.

[Page 24.

Tuesday March 2nd 174½.

The Secretary laid before the Board the following public papers transmitted from North Carolina and brought to the Office by William Smith Esq. President of the Council of that Province Viz:

Minutes of Council from 22 May to 24 August 1740. and from 6 March 174$\frac{0}{1}$ to 23 May 1741.

Minutes of Council in Assembly beginning 6th of Febry 173$\frac{8}{9}$ & beginning 5 Febry 173$\frac{9}{40}$ and ending 27th Ditto

Minutes of Assembly beginning 6th Febry 173$\frac{8}{9}$ & beginning 5 Febry 173$\frac{9}{40}$ and ending 27th ditto

[Page 31.]

Tuesday March 23rd 174½

The Secretary laid before the Board the following papers lately received from Wm Smith Esqre President of the Council of North Carolina Vizt

Journal of the Upper House of Assembly at the Sessions begun July 31st 1740.

Minutes of Assembly beginning July 31 and ending 22d August 1740.

[Page 37.]

Friday April 9th 1742.

Mr Samuel Wragg Merchant Agent for the Assembly of North Carolina attending moved the Board to take into consideration an Act passed in that Province in August 1740 to appoint able and skilful Clerks for the several County Courts within that Province and for the better securing and safe keeping the records of the same—whereupon their

Lordships agreed to consider the said Act and papers relating thereto on Wednesday Morning next and Mr Wragg promised to acquaint Mr John Sharpe (Solicitor to Mr Rice Secretary of North Carolina) therewith that he might attend at the same time.

[Page 40.]

Wednesday April 14th 1742

Read a letter from Mr Johnston Govr of North Carolina dated at Edenton Dec. 21. 1741 giving an account of his attempt to pass a new Quit Rent Law and his ill success therein as also of his having prorogued the Assembly desiring the Board's opinion how he is to behave in this case and in relation to Quit Rents. When the Board after some time spent in considering the subject of the said letter resolved to take the same into consideration again after the recess.

Mr Sam. Wragg Merchant Agent for the Assembly of North Carolina and Mr John Sharpe Solicitor for Mr Rice Secretary of North Carolina attending (as had been appointed by the Minutes of the 9th inst.) the Board took into consideration an Act passed in that Province in August 1740 to appoint able and skilful clerks for the several County Courts within that Province for the better securing and safe keeping the records of the same And the Board after hearing Mr Sharpe's objections to the said Act appointed Wednesday the 28th of this month for the attendance of the same persons in order to show Mr Rice's power of appointing his Deputys as also for considering at the desire of Mr Sharpe another Act of North Carolina passed in 1740 Entituled An Act for the further and better regulation of the Town called Wilmington in New Hanover County and to establish the Church of the Parish of St. James to be built in the said Town.

[Page 43.]

Wednesday April 28th 1742.

Mr Wragg not attending according to appointment of the Minutes of the 14th inst Mr Sharpe at his request being admitted desired the Board to appoint another day for their attendance which being agreed to Friday morning next was accordingly appointed.

[Page 44.]

Friday April 30th 1742.

Mr John Sharpe attending as appointed by the Minutes of the 28th inst. acquainted the Board that Mr Wragg being indisposed was not able to attend but that he desired to be heard in opposition to an Act of North Carolina (mentioned in the same Minutes) entituled An Act for

the further and better regulating of the Town called Wilmington in New Hanover County and to establish the Church of the Parish of St. James to be built in the said Town as also against another Act passed in the said Province entituled An Act for erecting the Village called Newton in New Hanover County into a Town and Township by the name of Wilmington and for regulating and ascertaining the bounds thereof and he was accordingly heard and the objections made by him to the said Acts were supported by Messrs. Samuel Wood and Lawrence Dent Masters of Vessels Witnesses produced by him and the Board after they were withdrawn having taken the affair into consideration Ordered that copies of the said Acts be sent to M^{r} Mauley Secretary to the Commiss^{rs} of his Maj. Customs and that he be desired to lay the same before the Commiss^{rs} in order to have their opinion whether the alterations proposed in the said Acts so far as they relate to the Customs may affect his Maj. revenue there & that this Board may be informed of their objections to the said Acts if they have any.

[Page 60.]

Thursday June 17th 1742.

Read a letter from M^{r} M^{c}Culloh to the Board dated at Cape Fear in North Carolina the 12th of Nov^{r} 1741 inclosing a Representation to their Lordships with an account of his proceedings in North & South Carolina in the execution of his Commission and transmitted to the Board in obedience to His Maj. Instructions, together with the following papers.

Copy of the Memorial of M^{r} Henry M^{c}Culloh to the Lords Commiss^{rs} of His Maj. Treasury.

Copy of a letter wrote to the Speaker of the Assembly of South Carolina by M^{r} M^{c}Culloh.

Publick notice addressed to all Gentlemen Freeholders whom it may concern.

Proposals of Henry M^{c}Culloh Commiss^{r} of the Quit Rents with the report of the Committee of the whole House thereon as agreed to by the House.

Copy of several Orders & Directions given to the Deputy Auditor & Surveyor Gen^{l} of the Lands and also to the Secretary and Receiver General of the Quit Rents.

Copy of several resolutions of the Lieut. Gov^{r} and Council of South Carolina the 3rd April 1741 in relation to His Maj. 15th & 16th instructions given by Henry M^{c}Culloh in charge to the Surveyor General of the Lands.

Commissioner of the Quit Rents Representation to the Lieut. Gov^{r} of South Carolina in Council with a Declinary Plea annexed 8 April 1741.

Form of a Rent Roll delivered the Deputy Auditor General.

The Method and Form to be observed by the Deputy Auditor and Secretary in making out a particular state of the present possessors of lands in rights of Grants Patents and Warrants.

Observations on the heads of a Bill humbly proposed by Henry M°Culloh to his Honor the Lieut. Gov^{r} of South Carolina in Council to be recommended to the consideration of the Commons House of Assembly of that Province.

[Page 71.]

Wednesday July 14th 1742.

Read again and reconsidered the Representation from M^{r} M°Culloh to the Board dated 12th Nov^{r} 1741 (mentioned in the Minutes of the 17th of last month) relating to his proceedings in the execution of his Commission in North and South Carolina.

A letter of M^{r} Johnston Gov^{r} of North Carolina dated 21st of Dec^{r} 1741 (read the 14th of April last) was likewise again read giving an account of his attempt to pass a Quit rent law and his ill success therein as also of his having prorogued the Assembly and desiring the Board's opinion how he is to behave in this case and in relation to collecting the Quit rents.

The further consideration of the subject of the said Letters and Representation particularly relating to a new Quit Rent Law to be passed in North Carolina was deferred to another opportunity.

[Page 72.]

Thursday July 15th 1742.

The Board took into further consideration the letter and Representation from M^{r} M°Culloh relating to his proceedings in Carolina (mentioned in yesterday's minutes) as also M^{r} Johnston's letter relating to a new Quit rent Law to be passed in North Carolina and made some progress therein.

[Page 86.]

Wednesday Aug. 18th 1742.

The draught of a letter to Gabriel Johnston Gov^{r} of North Carolina in answer to one from him of 21st Dec^{r} last having been prepared was agreed to, transcribed & signed.

Ordered that the Secretary transmit a copy of M^{r} Johnston's said letter in one to M^{r} Scrope Secretary of the Treasury and desire him to lay the same before the Lords Comm^{rs} for their directions thereupon

[Page 87.]

Thursday August 19th 1742.

The Board having reconsidered Mr McCulloh's letters and papers (mentioned in the minutes of the 17th June & 14th July last) ordered the Secretary to write him an answer thereto.

Memorandum. Augt 26th 1742.

After the adjournment of the Board a letter was received from Mr Scrope Secretary of the Treasury dated the 25th of Aug. 1742 in answer to one from the Secretary of this Board signifying that the Lords of the Treasury desire to be informed whether there is any established Court of Exchequer in North Carolina. Whereupon the next day the Secretary writ an answer to Mr Scrope's letter.

[Page 89.]

Thursday October 7th 1742.

Ordered that the Secretary write to Mr John Sharpe and desire his attendance at the Board on Wednesday morning next when they have appointed to take into further consideration the Act to appoint Clerks for the several County Courts in North Carolina

[Page 93.]

Wednesday October 13th 1742.

Mr Sharpe attending as desired by the Minutes of the 7th inst. the Board after some discourse had with him on the subject of the Act entituled An Act to appoint Clerks for the several County Courts in North Carolina ordered the draught of a representation to his Maj. to be prepared proposing his disallowance of the said Act.

[Page 94.]

Thursday October 14th 1742.

The draught of a Representation to His Majesty for disallowing the Act of North Carolina passed in August 1740 entituled an Act to appoint Clerks for the several County Courts in North Carolina having been prepared as ordered by the minutes of yesterday was agreed to and signed

[Page 103.]

Tuesday November 16th 1742.

The Secretary laid before the Board the nine following copies of Orders in Council transmitted from the Council Office the 24th of last month, Vizt

* * * * * * * * *

Order in Council dated 15th Septr 1742 directing Commissrs to set apart $\frac{1}{8}$ part of the Province of Carolina to the Lord Carteret under certain conditions.

[From the MSS. Records of North Carolina Council Journals.]

COUNCIL JOURNALS.

At a Council held at Newbern the 4th day of May 1742

Present His Excellency the Governor.

The Honoble { Eleazer Allen, Edward Moseley, Mathew Rowan, Roger Moore } Esqrs Members of Council

The Honourable Eleazer Allen Esqr having produced his Majestys Commission appointing him Receiver General of this province; it was read, and he took and subscribed the several Oaths appointed by Law for his qualification, and the Oath of Office

Ordered that he give Bond tomorrow morning in the sum of Pounds, with good and sufficient Securities, for the due and faithfull performance of his said Office

Read the petition of Thomas Jonekin; and Sundry other Inhabitants of Meherrin Neck—setting forth that they had been in possession of several small Tracts of Land on the said neck for several years; That they had cultivated the same at great expence, and paid quit rents; That the Indians had lately surveyed the said Lands in order to get a patent for the same, and had Included their Lands in their lines, and threatened to drive them off said Land; and therein prayed relief

Delayed till tomorrow afternoon

Read the petition of Jonas Shevers to the same effect as the foregoing

Referred the Consideration thereof till tomorrow

The following persons were admitted to prove their Rights to their taking up of Land Vizt

John Slocumb Craven 9 [white], Thos Hall Edgcombe 5 [white] 4 [black], John Creel Craven 9 [white], Jacob Sheets Do 5 [white] 5 [black], David Dunn Craven 3 [white] 2 [black], Edwd Bryan Do 10 [white] 13 [black], Benja Foreman Edgcombe 5 [white] 6 [black], Gabriel Johnston Esq 60 [white.]

Read sundry petitions for Warrants for Land Vizt

Thos Bonner 300 Beaufort, Robert Boyd 100 Do, Thos Bonner 200 Do, Robt Boyd 250 Do, Richard Barrow 200 Do, John Cooke 100 Tyrrel, Jas Campaigne 100 Beaufort, John Maudnell 150 Hyde, Griffin Floyd 600 Beaufort, John Mills 500 Do, Edmund Pearse 200 Beaufort, James Rigney 200 Craven, Do 200 Beaufort, Lodwick Tanner 200 Edgcombe, John Webster 250 Carteret, Edward Webster 400 Beaufort, Thos Williams 300 Do Granted

Read the following petitions for Grants for patents Viz^{t}

John and Zachariah Williamson 640 Onslow, Edward Piner 300 Beaufort Granted

At a Council held at Newberne the 5th day of May 1742 Present as before

Read the Petition of Charles Cavenah setting forth that he had obtained a Patent for 640 Acres of Land which was 240 acres more than was contained in his plat thereunto annexed and was more land than he held by that quantity and prayed his patent may be altered agreeable to the Surveyors return Ordered that his patent be altered as prayed which was accordingly done in Council

Read Sundry petitions for Warrants for Land Viz^{t}

William Carruthers 200 Beaufort, Alex^{r} Colvin 200 N. Hanover, Rob^{t} Dorray 550 Bladen, Thomas Hill 200 Edgcombe, D^{o} 500 D^{o}, Robert Hudnall 150 D^{o}, William Jones 400 D^{o}, Lazarus Kennedy 100 N. Hanover, John Slocum 300 Craven, Richard Lovet 200 Craven, D^{o} 200 D^{o}, Thos Owens 200 Edgcombe, D^{o} 200 D^{o}, Sam^{l} Sloane 200 N. Hanover, Col William Wilson 400 Craven, D^{o} 196 D^{o}, William West 100 D^{o}. Granted

Read Sundry Petitions for Grants of Land Viz^{t}

Thomas Arrington 200 Edgcombe, D^{o} 200 Bertie, Edward Boykin 200 D^{o}, Edward Bryan 200 Craven, Fran^{s} & William Brice 187 D^{o}, Nich^{s} Born 200 Bertie, Joseph Cotton 300 Edgcombe, D^{o} 200 D^{o}, Michael Dorman 180 D^{o}, John Dorch 200 D^{o}, Richard Evans 300 Beaufort, James Hasel 640 N. Hanover, Henry Horne 270 Edgcombe, Henry Jones 500 D^{o}, Thos Kearney 300 D^{o}, Stephen Lee 200 Carteret, James Mitchel 640 Edgcombe, D^{o} 300 D^{o}, William Owen 150 Craven, Edm^{d} Pearse 220 Beaufort, George Pace 100 Edgcombe, James Pitman 200 D^{o}, Jacob Pope 300 D^{o}, Math Rowan 640 N. Hanover, William Reeves 128 Edgcombe, Richard Sessums 200 D^{o}. Granted.

Read the petition of John Starkey and John Bryan Ex^{ors} of the last Will and Testament of Ralph Eaves deceased setting forth that the said Ralph Eaves in his Life time obtained a Warrant for three hundred acres of Land in Craven County which was duly surveyed and returned into the Secretary's Office but that no Grant passed for the same in his life time praying a patent for the said Land may issue in their names

Granted and Ordered that a patent issue to the petitioners in trust for and to the use of the Legatees in the Will of said Eaves mentioned

Resumed the Consideration of Thomas Jernagoon's Petition of Yesterday. It appearing that the Indians therein complained of were intitled by Virtue of an Act of Assembly past in November 1729 to all

the Land lying between the mouth of Meherrin River and so up the River to the mouth of horse pasture Creek formerly called Indian Creek then by the said Creek up to the fork of it then by the North Easterly branch thereof to the head thereof then by a straight line across to Chowan River by the upper line of Mulberry old field a Survey of Samuel Powers Land then along the various courses of the River to the first Station so long as they should continue a nation and Inhabit the same

Ordered that the said Indians may quietly enjoy the Land with the bounds mentioned by the said Act of Assembly not seated by the petitioners or other white persons, but that the said petitioners and others in possession of Lands within the said bounds may hold the said Lands upon payment to the said Indians a sum not exceeding five pounds p^{r} hundred acres Virginia money, if they shall demand the same, And that such persons who have not taken out Warrants for the Lands by them respectively held shall be Intitled to the same upon payment of the said sum or other agreements with the said Indians properly certified

And to the end that Strangers may not be imposed upon by the said Indians by their offering to sale any Lands within the said bounds already patented

Ordered that the said Indians do not presume to sell or dispose of any Lands as aforesaid heretofore pretended by the Petitioners or others his Majestys Subjects within this Province

At a Council held the 5th day of May 1742 Present as before.

Read the petition of Eleoner Russel, setting forth that she was under sentence of death and praying to be reprieved

The following persons were admitted to prove their rights in order to their taking of Land Viz^{t}

	White	Black		Black	White
Michael Ram Craven	5		Edw^{d} Fitz Patrick Craven	6	1
James Conner Tyrrel	6	10	Thos Fisher D^{o}	8	5
Michael Pitman Craven	4	1	Simon Bright D^{o}	8	2
Jacob Taylor D^{o}	7		Geo Kernegee D^{o}	6	10
Jacob Fudge D^{o}	8		Jno Fonville D^{o}	7	18

At a Council held at Newbern 6th day of May 1742 Present as before

The following Persons proved their Rights in order to their taking up of Land, Viz^{t}

John Porter N. Hanover white 8, black 22, Chas Harrison D^{o} [black] 32, Samuel Swann N. Hanover [white] 6, [black] 39, Thos Clark D^{o} [white] 5, [black] 4.

Read the petition of the Palatines being Jacob Sheets and others settled on Trent river in North Carolina setting forth their agreement with Christopher d^{e} Grafton riedt and Lewis Mitchel Esq^{r} of the one part and Sir John Phillips Baronet and others of the other part, Commissioners and trusty plenipotentiaries, named and appointed by her Majesty Queen Anne of the other part, in relation to their being transported to this province and settled here

Also the Copy of Articles of Agreement between them Whereupon it was Ordered That the Attorney General attorney for Mr Pollock, have a Copy of the said petition and Articles in order that Mr Pollock may have notice to attend at the next Court of Claims to answer the Premises

His Excellency the Governour in Council was pleased to declare the present Assembly Dissolved and a proclamation was ordered to be drawn up immediately to give notice thereof

His Excellency was likewise pleased with the advice of Council to order Writts to be issued for the Election of New Members of Assembly throughout this province to bear left the —— day of ——— returnable the first Tuesday in August next at Newberne; and the day of Election to be the third Tuesday in June next

Read Sundry petitions for Grants of Lands, Viz^{t}

Joseph John Alston 150 Edgcombe, John Bunn 200 D^{o}, Nich^{s} Boon 281 Bertie, Darby Bryan 300 Tyrrel, Rich^{d} Brasswell 300 Edgcombe, Francis Boykin 168 Bertie, D^{o} 400 D^{o}, James Cain 640 Edgcombe, William Charlton 600 Bertie, James Connor 640 Tyrrel, Elias Fort 150 Edgcombe, John Fish 150 D^{o}, Elias Fort 200 D^{o}, William Foreman 300 D^{o}, Christo^{o} Green 640 D^{o}, Sam^{l} Holliman 400 D^{o}, John Hodges 300 D^{o}, John Harrold 100 Bertie, D^{o} 617 D^{o}, Thos Jordan 170 D^{o}, River D^{o} 150 D^{o}, Henry Jones 400 D^{o}, Hickison King 90 Tyrrel, Marmaduke Kimbro' 510 Edgcombe, D^{o} 640 D^{o}, Thos Kearney 150 D^{o}, William Liniear 200 Beaufort, Patrick Manture 300 Edgcombe, John Magee 300 D^{o}, John Oxley 300 Bertie, Jacob Pope 200 Edgcombe, William Poole 147 Bertie, John Ryal 300 Edgcombe Peter Ram 150 Craven, Evan Ragland 256 Edgcombe, John Shackleford 640 Carteret, Ebenezer Slade 300 Tyrrel, John Taylor 100 Edgcombe, William Wade 640 Bertie, Sam Wheatly 300 Tyrrel, Jos Wall 100 Edgcombe, Col^{o} W^{m} Wilson 196 Craven, George Williams 100 Bertie Granted

Read Sundry petitions for Warrants for Land Viz^{t}

Samuel Boutwel 300 Beaufort, Alex^{r} Colvin 300 N. Hanover, James Conner 200 Edgcombe, Lewis Davis 100 Tyrrel, Thos Fisher 100 Craven, Dennis Glison 640 Tyrrel, John Hays 100 D^{o}, John Johnston

300 D°, Thos Lovick 640 Craven, Jos Mercer 300 Tyrrel, William Moore 250 Edgcombe, John Porter 500 N. Hanover, Henry Robinson 400 Tyrrel, Benjamin Saunders 600 D°, John Little 200 Tyrrel Granted

At a Council held the 7th day of May 1742. Present as before.

The following Persons were admitted to prove their Rights in order to their taking up of Land Viz^{t}

Osborne Jeffreys Northampton 2 white 4 black, Thos Lovick Carteret 16 black, Francis Stringer Craven 7 white 10 black, John Faulker D° 2 black.

Read the following Petitions for Warrants Viz^{t}

William Allen 300 Northampton, Rich^{d} Allen 200 D°, David Dunn 50 Craven, Solomon Fuller 300 Northampton, Abraham Green 200 Edgcombe, Theoph^{s} Goodwin 600 D°, Isaac Hill 150 Bertie, Tho^{s} Jones 400 Northampton, Jno Jones 200 Onslow, Sam^{l} James 250 D°, Osborne Jeffries 150 Northampton, Leonard Langston 500 Edgcombe, D° 350 D°, John Moore 400 D°, W^{m} Moor 400 D°, James Mathews 400 D°, Neil McNeale 200 Bladen, Richard Plair 200 N. Hanover, D° 300 D°, Rob^{t} Ruffin 100 Tyrrel, Rob^{t} Reeves 300 Bladen, William Roberts 300 D°, Rich^{d} Scott 100 N. Hanover, William Roberts 200 Bladen, Bullock Simons 300, Henry Shaddock 300 Bladen, D° 300 D°, Jacob Taylor 200 Craven, Richard Wall 300 Northampton, Thos Wall 400 D°. Granted.

Read sundry Petitions for Grants of Land Viz^{t}

Abraham Bussett 300 Craven, Jno Bonbo' 280 Edgcombe, William Cockran 300 D°, Dan^{l} Dunbibin 50 N. Hanover, William D^{e} Loach 400 Bertie, Rob^{t} Evans and Jno Appolus Wynns 300 D°, Nath^{l} Everit 100 Onslow, William Faris 300 Craven, Joseph Ganier 200 Edgcombe, Henry Hill 640 Chowan, Nich^{l} Hunter 200 Carteret, Rob^{t} Hilliard 400 Edgcombe, John Howell Jun^{r} 159 Bertie, Rob^{t} Hill 300 Edgcombe, Osborne Jeffries 640 Tyrrel, Joshua Johnston 250 Craven, Arthur Jordan 130 Bertie, William Kennedy 100 D°, Henry Lucas 400 Beaufort, George Laws 250 Edgcombe, Roger Moor Esq^{r} 600 N. Hanover, Rufus Marsden 200 N. Hanover, William Norwood 600 Bertie, George Norwood 150 D°, Thos Outlaw 640 D°, Thos Owen 200 Edgcombe, Joseph Parker 200 D°, John Perry 600 D°, John Russet 100 Onslow, Edw^{d} Roberts 100 Bertie, Rob^{t} Radford 100 Edgcombe, James Turner 300 D°, Fran^{s} Veale 257 Bladen, Benj^{a} Williams 583 Bertie, John Wynns 200 D°, Math Williams 321 D°, W^{m} Williams 640 Edgcombe, Anthony Webb (This granted again 1st April 1743 following) 87 Bertie. Granted.

Ordered that the Secretary's fees on all Warrants for the future before the return of Warrants be forty shillings currency and no more.

On motion made by the Receiver General Ordered That the Clerks of the General Court do Transmit to the Receiver General a true account of all the fines Forfeitures and Amerciaments incurred or imposed since the present Governour entered upon the Administration of the Government.

1743.

[B. P. R. O. North Carolina. B. T. Vol. 11. B. 61.]

At the Court at S^{t} James the 19th day of January 1742. [1743]
Present The Kings most excellent Majesty in Council.

Whereas by Commission under the Great Seal of Great Britain the Governor Council and Assembly of His Majesty's Province of North Carolina are authorized and empowered to make constitute and ordain Laws, statutes and Ordinances for the Public Peace, Welfare & Good Government of the said Province, which Laws statutes and Ordinances are to be as near as conveniently may be, agreeable to the Laws and Statutes of this Kingdom, and to be transmitted for his Majesty's royal approbation or Disallowance. And Whereas in Pursuance of the said Powers, an Act was past in the said Province in 1740 which hath been transmitted entituled as follows Viz^{t}

An Act to appoint able and skilfull Clerks for the several County Courts within this Province & for the better securing and safe keeping the records of the same

Which Act, together with a Representation from the Lords Comm^{rs} for Trade and Plantations proposing the repeal thereof, having been referred to the consideration of a Committee of the Lords of his Majesty's most honorable Privy Council for Plantation Affairs, The said Lords of the Committee did this day report to his Majesty as their opinion that the said Act ought to be repealed. His Majesty taking the same into consideration was pleased with the advice of his Privy Council to declare his disallowance of the said Act, and pursuant to his Majesty's royal pleasure thereupon expressed, The said Act is hereby repealed, declared void and of none effect Whereof the Governor or Commander in Chief of his Majesty's Province of North Carolina, for the time being and all others whom it may concern are to take notice & govern themselves accordingly.

A true Copy. W. SHARPE.

[From North Carolina Letter Book of S. P. G.]

Brunswick March 29. 1743

Reverend Sir, [to the Secretary]

Being very much indisposed last Fall I could not attempt to visit the counties on this side Neuse till the month of November; But have since that time officiated in all the Parishes within the Bounds assigned me by the Venerable Society—From the beginning of Sept^{r} preceeding to the 25th of this instant I have Baptized Six white adults, two men & four women; and 348 white children one hundred of which I'm inclined to believe were betwixt six and twelve years of age—I also baptized two Negro children and admitted to the Holy Communion fifty three persons. Twenty days are not yet elapsed since I received yours of March 23 1741, with great pleasure indeed; it being the first and only one I had the honor to receive—Mr. Marsden was dead some months before the inclosed minute came to hand.

The state of this Province is much the same as was represented in my former Letters & still promises so little encouragement to Itinerant Missionaries that I now despair of seeing even a necessary provision made for them—were it not that I hate complaining I might have easily before this time laid such grievances before the Venerable Society as must convince them that their pious & generous intentions in sending Missionaries to this Province are not likely to meet with a suitable return.

You will Reverend Sir no doubt be persuaded of the truth of what I say when you please to consider that as we have neither Church nor Chappel here, we cannot expect any Glebe or Parsonage House—I am obliged to ride often & great lengths: Horses are bought here at high rates & kept at higher and the Parish allowing no fenced pasture, they happen to be often lost or stolen which renders me incapable of travelling when I would—In the mean time many of the Inhabitants are affronted if I defer riding twenty or thirty miles to baptize a child, tho' they have but lately slipt the opportunity of having it done at the Publick service when performed within a few miles of their House—This being the case every one readily allows that a Missionary ought to have some Pasture ground and a convenient House so situated as to make it as easy as possible for him to ride to the different places at which he is to officiate by the appointment of the present Vestry. But Then the Missionary is to be at all Expense which cannot amount to less than Two hundred pounds Sterling—Even this perhaps might go down were it not that often he has been at this expense; next year comes a New Vestry

which makes new appointments. The poor Missionary now lives entirely out of the way, he must begin to fence and build again, tho' he knows too well that his former improvements will never fetch him the one half of what they cost him.

Our present situation appears to me most wretched—the Parishes in which we live, and where contributions are raised for us think themselves entitled to all our services: The others within our Missions say their claim is every whit as good because we are the Society's Missionaries in those parts: Thus all partys are not a little dissatisfied as matters now stand, and I'm afraid will continue so to be till they are made fully sensible that the venerable Society will in case of Vacancys, always prefer such Parishes as give the best encouragement and consequently have given leave to their Missionaries to embrace the most favourable terms.

Rev^{d} Sir your most, &c., JAMES MOIR.

[From North Carolina Letter Book of S. P. G.]

St. Pauls Parish So: Carolina Mar. 30. 1743.

Rev^{d} Sir, [to the Secretary]

In this Parish there is only one nation of Indians called Cusoes about 65 Men, Women & Children in all. tho' formerly they consisted of about 1000 as they say; they seem sober and thoughtful and pretty good notions of a deity, who made them, but they appear not at all concerned to serve him. I have not had so good an opportunity to be acquainted with them, as of late I have had, by often seeing them and conversing with them. I intend as I have opportunity, to use my best endeavours to see how far I can be useful to them, by communicating to them the true knowledge of God.

As yet there is nothing done by the Parish or the assembly of this Province, towards the settlement of the Church or Glebe, or the repairs of the Parsonage house nor does it appear to me that any thing will be done soon. The disputes in the Parish about the one and the other still subsisting: which has been and yet is of very great disadvantage to me, and will be also to my successor, if any clergyman should be so unhappy, as to be sent here, till these disputes are ended. For considering the inconveniences I labor under and the ill state of health I am in, I believe I shall soon be obliged to pray the Hon^{ble} Society, to remove me to any Parish to the Northward of Carolina.

I am Rev^{d} Sir yours & the Societys, most humble and obliged serv^{t}

W. ORR.

[B. P. R. O. Am: & W. Ind: No. 592.]

To the King's most Excellent Majesty in Council

The Humble Petition of Daniel Hanmer, late Chief Justice of North Carolina Sheweth,

That your Majesty's Petitioner contrary to all Law and Justice, has been so barbarously and inhumanly persecuted, and outrageously prosecuted by William Smith Esq^re^ the present Chief Justice of North Carolina, as the like proceedings were never known in the Dominions belonging to the Crown of Great Britain, or the like heard of in the most dissolute and uncivilized Governments, by which proceedings, your Majestys Petitioner has been ruined in his fortune, and his health destroyed.

The particular instances of the many violences, persecutions, punishments, injurious, malicious, unjust, violent, and unlawful Proceedings of the said William Smith against the Petitioner being too numerous to be contained in a Petition, are herewith deposited in the Council Office.

Your Royal Majesty's most humble and injured Petitioner submissively supplicates, that by an Order of Council the before named William Smith Esq^re^ Chief Justice of North Carolina now in London, be obliged to put in his answer to the facts alledged against him, and when that is obeyed, another order of Council be sent to some Members of your Majesty's Council in North Carolina to examine witnesses, and take Depositions, to prove the truth of your Petitioner's complaints, and the sufficiency or insufficiency of the Answer and Defence of the said Smith.

North Carolina, Sept^r^ 1743.

[B. P. R. O. Am: & W. Ind: Vol. 23. p. 586.]

My Lord, [Duke of Newcastle]

In Consequence of what I had the honour to write to your Grace on the third of this month, I transmit with this the plan of so much of the line as could be finished at this time, signed by the Commissioners on both sides, with the Colony seal appended.

I am with great respect, &c.,

Edenton, Dec^r^ 12^th^ 1743. GAB: JOHNSTON.

[B. P. R. O. North Carolina. B. T. p. 45.]

BOARD OF TRADE JOURNALS.

Thursday April 21st 1743.

The Secretary laid before the Board the following copies of Orders in Council transmitted from the Council Office the 17th of last month and the Titles of the same were read, vizt

* * * * * * * * *

Order in Council dated the 19th of Janry 174⅔ approving a Representn of this Board to Her Majesty proposing the Repeal of an Act passed in the Province of North Carolina in 1740 to appoint able and skilful Clerks for the several County Courts within that Province &c. &c.

[Page 73.]

Tuesday June 21st 1743.

Read a letter from Mr McCulloh His Maj. Commissr of the Quit rents in Carolina to the Board dated at Cape Fear Aug. 19th 1742 inclosing a copy of the Public Notice (dated at Wilmington March 20th 174½) addressed to all Gentlemen Freeholders & others whom it may concern relating to His Maj. Instructions to the said Commissr

[Page 88.]

Friday July 22nd 1743.

The Draught of a letter to Mr McCulloh Commissioner of His Maj. Quit Rents in North & South Carolina from the Secretary of this Board in answer to those the Board has received from him was laid before the Board and ordered to be transcribed and sent.

[Page 102.]

Wednesday October 5th 1743.

The Secretary laid before the Board two Journals of the Council of North Carolina transmitted by the Governor to Col. Bladen one from the 21st of Septr to the 2d of Oct. 1741 the other from the 4th to the 7th of May 1742.

[From the MSS Records of North Carolina Council Journals.]

COUNCIL JOURNALS.

At a Council held at Edenton the 15 day of March 1743

Present His Excellency the Governour

The Honoble { Nath Rice, Edward Moseley, Robt Halton, Roger Moore, Eleazr Allen, William Forbes, Math Rowan } Esqrs Members of Council

The following Persons were admitted to prove their rights in order to their taking up of Land Vizt

	County	White	Black		County	White	Black
Thos Pierce	Chowan	8	13	Edward Jones	Edgcombe	7	9
Thos Nicholas	Pasquotank	7	1	John Howel	Bertie	4	8
Joseph Morice	Do	8	1	William Bell	Edgcombe	4	8
Aaron Hill	Do	4	4	Thos Shepard	Onslow	2	
Thos Macky	Do	7		Wm Hadnot	Carteret	6	
Wm Eaton	Edgcombe	11	23	James Swaine	Tyrrell	8	2

Read the following Petitions for Patents as follows Vizt

Robt Boyd 250 Beaufort, Do 100 Do, Jno Chilley 300 Do, Jno Hawkins 200 Edgcombe, John Harley 300 Do, Joseph Kymbal 400 Do, Jno Knowis 200 Beaufort, Jno Lisle 500 Edgcombe, Eprian Lisle 300 Do, Jno Martin 640 Do, Peter Morse 200 Beaufort, Wm Prescot 500 Craven, Wm Parsons 550 Edgcombe, Wm Parsons 150 Do, Benja Do 300 Do, Do 150 Do, John Gant 150 Edgcombe, John Goulde 400 Bertie, Chas Hopton 400 Craven, Wm Parsons 400 Edgcombe, Thos Penket 270 Beaufort, Wm Stroud 400 Edgcombe, Edmd Smithwick 300 Craven, Moses Swinney 400 Edgcombe, Moses Tilman 50 Craven, John Webster 250 Carteret, John Williams 640 Onslow, John Whitehead 640 Currituck, Edwd Webber 400 Beaufort, Edwd Young 100 Edgcombe. Granted

At a Council held at Edenton the 16th March 1743 Present as before.

The clause *usually reside thereon* inserted into the Grants for Land by mistake was ordered to be left out for the future and to be struck out of such Patents as were not already issued

Read the Petition of William Blythe to have his Patent altered in one of the courses is laid down. North 29 but should be South 29

Ordered that the same be accordingly altered which was done before the Council both in the Plot and Patent and the Record be made agreeable thereto

Read the Petition of Thomas Davis praying relief against one Benj[a] Sist who has obtained a warrant for the land he has lived upon and paid Quit Rents for 20 years past and upwards and which he formerly had a survey on which he says was returned into the Office but cannot be found but M[r] Samuel Swann offering to make Oath he saw copies of the Return made by Seth Pilkington the Surveyor and in regard to his having paid Quit rents so long and his great age and Poverty being considered. It was Ordered that he have a Warrant and patent for the said Land as surveyed for Scot. He making the said Sest a Deed for 100[ac] out of the same.

It being moved whether anothers Oath were not sufficient proof of any Persons rights The Board were of opinion it was and accordingly such proof was admitted

The following Persons were admitted to prove their Rights in order to their taking up of Land Viz[t]

	White	Black		White	Black
Joseph Jno Alston Edgcombe		19	Jno Hall Chowan	8	4
Jos. Baradle Bertie	5	3	Henry Debrane Bertie	5	
Chas Stevens N° Hampton	5	10	Thos Kearney Edgcombe		16
Chas Jenkins Chowan	5	2	Jno Etheridge Currituck	7	
Jas Copeland D°	2	3	Osborne Jeffries N° Hampton	3	4
John Dawson N° Hampton	5	18	George Capeheart Bertie	8	1
John Pope Edgcombe	6		Sam[l] Sinclair Hyde	8	5
Mich[l] Dormant D°	4		John Wilcocks Perquimons	7	
Sam[l] Taylor D°	6	6	John Jemison Bertie	5	5
Sam[l] Ruffin D°	4		John Lane Edgcombe	1	3
Thos Davis Hyde	3				

A Complaint having been preferred against M[r] Peter West one of the Justices in the Commission of the peace for the County of Bertie for that he had tendered an oath to several persons in very obscene terms who took the same at his own house in a very irregular extra judicial manner in relation to the wife of one John Raspberry thereby to discover if any of them had any unlawful comerce with her. And His Excellency informing the Board that the said Wests own witnesses which he brought with him when his Excellency sent for him to examine him upon the premises had confest as much. It was the opinion of the Board that his name should be struck out the Commission of the Peace

Read the following Petitions for Patents Viz[t]

Rich[d] Allen 200 N° Hampton, W[m] D° 300 D°, Jos. Jno Alston 100 Edgcombe, Jacob Braswell 160 D°, D° (but 275 ret[d]) 400 D°, Jno Bar-

row 200 Beaufort, Philimond Bradford 600 Edgcombe, D° 400 D°, Benj^{a} Blount 130 D°, D° 100 D°, Jos Bradley 600 Edgcombe, Chas Cavenah 640 Craven, Rob^{t} Cutlar (92 ret^{d}) 100 Beaufort, W^{m} Etheridge 300 N° Hampton, Jas Hasel 320 N Hanover, Jno Hardy 200 Edgcombe, Sam^{l} Holliman 200 D°, Green Hill 100 Bertie, W^{m} Hilliard 250 Edgcombe, Arth^{r} Jordan 300 Bertie, Osborne Jeffries 150 N° Hampton, Thos M^{c}Clendon 558 Craven, Wynot Ormond 640 Beaufort, W^{m} Pridgen 150 Edgcombe, Jas Spiere 300 Tyrrel, Thos Smith 200 Craven, Philip Thomas 200 Bertie, Thos Wall 340 N° Hampton, W^{m} Wooten 300 D°, W^{m} West 150 Edgcombe. Granted

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At a Council held at Edenton 21st of March 1743

Present His Excellency the Governor

The Honoble { Nath Rice, Edw^{d} Moseley, Rob^{t} Halton, Will Forbes, Eleaz Allen, Cullen Pollock, Math Rowan } Esquires Members of Council

The following persons were admitted to prove their rights in order to their taking up of Land Viz^{t}

	White	Black
Marmaduke Norfleet Perquimons	5	19
Sam^{l} Saban Plumer Pasquotank	3	9
James Trotter Chowan	2	11

Read the following Petitions for Patents Viz^{t}

Solomon Alston 150 Craven, Saml Bond 104 Perquimons, John Bateman 84 Tyrrel, W^{m} Braswell 500 Edgcombe, Josiah Bundy 200 Craven, Hump Burnet 200 Craven, Alex Calvin 200 N. Hanover, D° 300 D°, David Coltrane 200 Edgcombe, W^{m} Curtis 300 D°, Math Caswel & Jas Phelps 220 Tyrrel, Zach Chancey 200 Perquimons, W^{m} Colehoons 400 Edgcombe, Arthur Crawford (but 132 ret^{d}) 200 D°, Thos Carril 160 D°, Lewis Davis 400 D°

Read the following Petitions for Warrants Viz^{t}

Edw^{d} Lernelt 100 Chowan, Jos Anderson 300 Carteret, Sam^{l} Burton 150 Beaufort, Jos Barradit 100 Bertie, Jno Boyd 300 Craven, Jacob Braswell 300 Edgcombe, Simon Bright 540 Craven, W^{m} Clanton 500 N. Hanover, Zach Chancey 950 Perquimons, W^{m} Collins 500 Onslow, Cha^{s} Cox 400 N. Hanover, Peter Clitt 320 D°, W^{m} Chevers 400 Edgcombe, Jno Dawson 300 D°, Jno Duggin 100 Bertie, Hen Everitt 200 Beaufort, Jno Etheridge 400 Currituck, D° 300 D°, D° 400 D°, Hen. Everitt 300 Beaufort, W^{m} Fleetwood 300 Bertie, Martin Frank 650 Craven, W^{m} Faris 200 N. Hanover, W^{m} Hinton 190 Craven, Jno D°

100 D°, Jos Howell 150 D°, D° 150 D°, W^m^ Hickman 100 Edgcombe, Jno Hancock 320 Bladen, Rich^d^ Hargrove 100 Edgcombe, W^m^ Habby 150 D°, Rich^d^ Johnston 200 Craven, Sam^l^ James 250 Onslow, Josiah Jones 100 Beaufort, Geo Kernegee 50 N. Hanover, W^m^ Keith 400 D°, Laz Kennedy 200 Onslow, Thos Long 200 Craven, Corn^s^ Lynch 300 D°, Mark Morgan 300 D°, Thos M^c^Clendon 350 D°, Jas M^c^Ackelwean 200 D°, Jno Warnor 400 N. Hanover, Jos Winsley 200 Perquimons, John Manning 850 Bertie, Thos M^c^Clendon 300 Craven, Charles M^c^Culloch 200 Edgcombe, Epaph Moore 300 D°, James M^c^Waine 150 Craven, Joseph Morrice 350 Pasquotank, Thomas Macky 200 D°, Epaph Moore 300 Edgcombe, James M^c^Waine 600 Craven, Thomas Merrick 600 N Hanover, Jno Davis 300 Edgcombe, W^m^ Daw 100 Beaufort, Abrah^s^ Green 200 Edgcombe, John Gray 450 Bertie, John Howel 359 Bertie, Jos. Hutchison 300 N. Hanover, Thos Hill 200 Edgcombe, Rich^d^ Hellier 350 N. Hanover, John Hardee 640 Beaufort, Sam^l^ Johnston 400 Chowan, Fran^s^ Kennedy 300 Tyrrel, Laz. Kennedy 100 N. Hanover, Jas Kelley 200 Edgcombe, Thos Kearney 400 Bertie, Thos M^c^Clendon 222 Craven, W^m^ M^c^Ree 300 N. Hanover, Jas Mathew 400 Edgcombe, Darby M^c^Cartie 100 Hyde, W^m^ Etheridge 300 N. Hanover, Robt Forster 250 Edgcombe, Thos Mason 200 Edgcombe, Jno Marks 400 Beaufort, W^m^ Mobley 99 Tyrrel, Geo Noris 450 Edgcombe, W^m^ D° 109 Chowan, Thos Owen 200 Edgcombe, Thos Nicolson 133 Pasquotank, Thos Owen 200 Edgcombe, John Pirut 200 D°, Godfrey Philphs 498 Tyrrel, John Perry 102 Perquimons, Rob^t^ Pitman 150 Bertie, Edw^d^ Powers 300 Edgcombe, Thos Peirce 57 Tyrrel, Theoph^s^ Pugh 280 Chowan, Henry Perkins 146 Currituck. Granted

W^m^ Paul 550 Bertie, Jos Parker 200 Edgcombe, Rich^d^ Richdale 100 D°, John Riddick (John) 550 Bertie, Job Rogers 200 Edgcombe, Jos Spruel & Hen Norman 202 Tyrrel, Sam^l^ Spruel 246 D°, Jn° Smith 100 Craven, Jos Small 100 Chowan, Jno Phillip Shelly 100 Edgcombe, Jno Simpson 340 Bertie, Geo Starkey 150 Onslow, Geo Skipper 200 Craven, James Turner 275 Bertie, Mich^s^ Tyner 200 D°, W^m^ West 180 Edgcombe, W^m^ Whitehead 200 D°, W^m^ Walker 300 D°, Edw^d^ Wahnsley 640 Craven, Rowl^d^ Williams 200 Bertie, Poyns Weldon 300 Edgcombe, Edw^d^ Wordsworth 113 Perquimons, Rowl^d^ Williams 640 Edgcombe. Granted

Grace Merrick 400 N. Hanover, Epaph Moore 400 Craven, Marmaduke Norfleet 200 Edgcombe, William Niverns 300 Craven, Abraham Adams 500 N. Hanover, John Omat 200 Craven, Edward Outlayer 300 N. Hanover, D° 250 D°, Richard Powele 200 Edgcombe, James Parmenter 500 D°, Jacob Rogers 200 D°, Samuel Sticklair 400 Beaufort, Richard

Sissums 400 Edgcombe, Samuel Jenelar 400 Hide, Sam[l] Swann 300 N. Hanover, Thos Smith 500 Craven, John Smith 400 D°, Jno Sellers 400 D°, Thos Smith 450 D°, Jas Smith 200 Tyrrel, Thos Smith 100 Craven, Jas Swaine 200 Tyrrel, Jno Smith 100 D°, Sam[l] Smithwick 100 Bertie, Jere Vail 400 N. Hanover, Jno Wilcocks 100 Tyrrel, Caleb Wilson 100 Currituck, Jas Wielcocks 200 Perquimons. Granted

Read the Petition of John Rogers showing that the Secretary could not affix a Plot that was returned for him (the Land Granted) till twas corrected

Ordered that the surveyor make out a new plot agreeable to the written courses

At a Council held at Edenton the 22[d] of March 1743. Present as before

The Surveyor General returned a plot of 400 Acres in Bertie according to the order of yesterday for John Rogers which was ordered to be affixed to his Patent

The following Persons were admitted to prove their Rights in order to their taking up of Land Viz[t]

	White	Black		White
William Feris New Hanover	2	9	Samuel Smithwick Tyrrel	7
Joshua Worley Tyrrel	5	13	Jas Sunderland Bertie	5

Read the Petition of Colonel Benjamin Hill setting forth that one Thomas Jumps obtained a warrant from the late Governour George Burrington Esq[r] for 500 acres of land in Edgcombe County on the East side of Buck Swamp beginning at an Elm which Warrant was assigned to the Petitioner

That the Petitioner obtained another Warrant of the said Governour for 500 Acres in the same County West side of Buck Swamp in Burn Coat

That the said Warrants were duly executed and returned into the Secretary's Office

That the Petitioner obtained Grants for both the said Tracts on the 16[th] day of December in the year 1735 as may appear by the minutes of Council as also by the Receiver Generals books

That he applyed several times to get Patents for the said Land out of the Secretary's Office but was informed that the Warrants and plots could not be found so that the Grants could not be made out

That the Petitioner hath true and attested Plots of the said Land ready to produce

Wherefore he prays that patents may be made out for him agreeable to the said Duplicates and bearing date on the day the same were granted and that the Deputy Auditor be directed to enter the same in his Book as if enrolled within six months from the date

Then M^{r} Thomas Jones was sworn who declared the aforementioned Plots were taken from the Surveyors field book and that they described the Land in the foregoing Petition mentioned and also that he himself made return of the original warrants and first plots into the Secretary's Office

Upon which his Excellency asked the opinion of the Board whether the Petition ought to be granted, who answered in the affirmative and Patents were accordingly Ordered to be passed to the said Benjamin Hill for the said Lands bearing date the 16th of December 1735 And that the Auditor enter the same as if enrolled within six months from the date of the said Patents

Read the following Petitions for Patents for Land Viz^{t}

William Bird 6000 Edgcombe, Barnaby Bryant 250 Bertie, Dennis Folley 640 Tyrrel, Dennis Gleson 640 D^{o}, Jno Little 200 D^{o}, Jno Lett 600 Edgecombe, Jno Macakey 400 Tyrrell, Benj^{a} Saunders 600 Tyrrel, Arth^{r} Smith 160 Tyrrel, Jas Spier 400 Edgcombe, John Wells 250 Bertie Granted

Read Sundry Petitions for Warrants for Land Viz^{t}

William Farris 500 N. Hanover, John Garnix 500 Beaufort, John Pope 200 Craven, John Pope 300 Edgcombe, Samuel Laban Plumer 260 Pasquotank, D^{o} 140 D^{o} Granted

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At a Council held at Edenton 25th March 1743

Present His Excellency the Governour

The Honoble { Nath Rice, Rob^{t} Halton, Math Rowan; Edw^{d} Moseley, Cullen Pollock, Will Forbes } Esq^{rs} Members of Council

Read the Petition of John Fonville for altering the Record of a Patent the original Patent which was produced being for and in the name of his late Father John Fonvielle deceased but by mistake the Record thereof is in the name of the late John Ash Esq^{r}

Ordered that the Record of the said Patent be altered in Council agreeable to the prayer of the said Petition which was accordingly done. The words Baptista Ashe being erased out of the Record of Patent Book 2, page 211 and the word Fonvielle written in the room thereof

Read the Petition of James Hinton, Henry Hill Gabriel Lassiter and Thomas Moore shewing that they had each of them purchased a Tract

of Land of the Chowan Indians and paid a valuable consideration for the same as by Indenture to be produced they were ready to make appear Praying that the said Indians might be admitted to acknowledge the said conveyances in due form and that the same may be recorded. Granted

Read the following Petitions for Patents for Land Viz^{t}

George Bell Jun^{r} 200 acres Carteret county, Barnaby Bryant 50 Bertie, James Billyild 80 Pasquotank, David Bailey 300 Carteret, Rich^{d} Blow 200 Edgcombe, Rob^{t} Colley 320 Bladen, Jno Crickeet 320 Bertie, Lewis Davis 100 Tyrrel, Jos Dwight 200 D^{o}, Jno. Davis 1,000 Bladen, D^{o} 200 Hyde, Will^{m} Fleetwood 300 Bertie, Jno Griffin 200 Tyrrel, Sam^{l} Gregory 215 Perquimons, Benj^{a} Hill 640 Edgcombe, Jno Hays 100 Tyrril, David Henery 300 N. Hanover, Jno Hardison 300 Tyrrel, Martin Jenkins 200 N. Hanover, Daniel Love 320 D^{o}, Rob^{t} M^{c}Gee 300 Tyrril, W^{m} Mills 620 Onslow, John Marshall 300 N. Hanover, Jos. Mercer 350 Tyrrel, Jno Odam 850 Chowan, Peter Parks 400 D^{o}, Theophilus Pugh 200 D^{o}, Henry Roberson 400 Tyrrel, Fran^{s} Rhodes 640 N. Hanover, Jno Sloan 200 Onslow, Benj^{a} Sellers 200 Edgcombe, Jas Sunner 100 Chowan, Jos Wimberly 250 Edgcombe, Jno Willard 200 Tyrrel, Will Webster 565 Beaufort Granted

Read Sundry Petitions for Warrants for land Viz^{t}

John Boyd 300 Craven, Benjamin Hill Col 640 Edgcombe, William Lister 300 Craven, John Moore 150 Perquimons, Zach Nixon 157 Ditto, John Rawlings 200 Craven, Joshua Worley 150 Tyrrel, Joseph Wimberly 500 Ditto, Ditto 110 Ditto

P. M. Present as before.

Read the Petition of John Foneville praying that the Record of a Patent formerly granted to his Father John Fonville deceased (the same Record that was altered in the name of the Patentee this day by order of the board Viz^{t} from Jno Baptista Ashe to Jno Fonville) may be further corrected the annual Quit rent therein specified being twice as much as in the original Patent which being produced Viz^{t} a patent for 1122 acres in the County of Craven beginning at the side of a small Creek between John Fonville and Peter Handys it appeared that the Quit rent of the said Land is at 6^{d} ℔ hundred acres and no more but by the Record now also produced of the same Patent (the Scituation and causes being the same both in the Record and Patent the Quit rent reserved is one Shilling per annum p^{r} 100^{ac}

Ordered that the Record be made agreeable to the Patent, which was accordingly done in the Presence of the Governour and Council the

words one shilling being struck out and the words six pence interlined over them in the Record B. 2, page 411

Read the petition of the Chowan Indians complaining That James Brown, Richard Minshaw and others to whom some years past they sold and conveyed several small Parcels of the Lands formerly alloted them by the Government were not content to keep within their proper bounds but encroached upon the Indians Lands not made over to whom thereby defrauding his Majesty of his Quit rents and them of their property and defeating the intention of the late Lords Proprietors in favor of the said poor Indians. They therefore prayed that the said James Browne, Richard Menshew and the rest of the Purchasers may be ordered to lay out their several and respective Parcels of Land that is to say the true Quantity conveyed to each and every of them by their respective Deeds in order to ascertain their bounds and prevent any further Incroachments on the Petitioners Lands which since such sale do still remain to them in propriety Granted

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At a Council held the 29th March 1743 Present as before—and James Murray Esqr

Read the Petition of Jacob Sheets and others the Palatines settled by Baron de Grafton reid at Nuse; shewing their Agreement with the said Baron and praying to have Titles made to them under the Crown and in order thereto that Warrants might issue to them respectively for laying out their Lands to each man his several Proportion or otherwise to be secured in their Possession

Then Cullen Pollock's Council produced a Patent to the said Pollocks Father Thomas Pollocks Esqr deceased for a large tract of land at Nuse, which was read and it appearing to the Council that the said Patent takes in the Palatine Lands. It was their unanimous opinion that the Governor is thereby precluded from granting the prayer of the foresaid Petition. Upon which the same was dismist.

Read the following Petitions for Patents for Land Vizt

Will Brice 200 N. Hanover, Chas Cogdale 100 Carteret, Wm Knight 320 Bertie, Leonard Langston 350 Edgcombe, Do 500 Do, John Sikes Senr 300 Craven, Wm Smith 640 Craven, James Winright 375 Carteret, Robt Halton 2000 N. Hanover Granted

Read Sundry Petitions for Warrants for Land Vizt

David Jamison 600 N. Hanover, Godfrey Lee 200 Edgcombe, William Ricks 250 N. Hanover, Edward Roberts 500 Bertie, William Stephens 400 Craven, Anthony Webb 87 Bertie, James Yeats 200 Carteret Granted

At a Council held the 30th March 1743 Present as before

His Excellency laid before the Board a letter from the Lieutenant Governor of South Carolina wherein he acquainted him he had repeated advice of Embarkations that were making from Cuba to the amount of 3,000 men which he said he had reason to believe were dessigned against Georgia and South Carolina and desired leave in case they should want assistance to raise a number of men in this Province not exceeding 1,000

Upon which His Excellency was pleased to ask the advice of his Majestys Council who were unanimously of Opinion with his Excellency that it behoved him to grant them the leave desired and all possible encouragement in raising men for the Defence of that his Majestys Province out of any part of this Province except the Counties of New Hanover Bladen and Onslow which being so much exposed to the attempts of an Enemy and besides thinly peopled they were of opinion they ought not to have any men drawn out of them. but the Board was of Opinion that if the Government of South Carolina should appoint Officers (which by the Lieutenant Governours Letter they seemed to intend) out of South Carolina their Lines would not be so readily made as if the officers were nominated from among our own People. In pursuance of which advice the Secretary was ordered to draw up a Letter to the said Lieutenant Governour to acquaint him that he might depend on leave to raise men as desired and all possible countenance and encouragement in the Prosecution thereof tho' he was afraid of the Success if the Officers should not be of this Country

The Lieutenant Governour of South Carolina having recommended Colo Maurice Moor as a fit Person to command the said Forces when raised his Excellency was pleased to order a Commission to be made out for him and accordingly a Commission was dispatched appointing him Colonel of a Regiment to consist of 1,000 men to be raised in several parts of this Province for the service of South Carolina and commanding him to march with the said Forces to their Assistance upon any Intimation from the Government of South Carolina that they had occasion for their Service.

Read the following Petitions for land Vizt

Thos Bradford 80 Bertie, James Spier 300 Edgcombe, Ditto 100 Do, Ditto 500 Craven, Edmd Smithwick 100 Craven, Wm Walker 200 Bertie Granted.

Thomas Pindleton was admitted to prove his rights—white 4, black—

At a Council held at Edenton the 1st of April 1743

Present His Excellency the Governour

The Honoble { Nath Rice, Cullen Pollock, Robt Halton, Edwd Moseley, Eleazer Allen, Wm Forbes, Mathew Rowan, James Murray } Esqrs Members of Council

Mr John Rieussett presented a Petition complaining of some undue practices to his prejudice in the Clerk of the General Court and others in the Exercise of their respective Offices which being read. It was the opinion of this board that things of that nature dont properly lye before this board but that the said John Rieusset be referred to the General Court for redress of the injuries complained of whether by the said Clerk the Sheriff or any other Person.

Read Sundry Petitions for Patents for land as follows Vizt

William Barrett 50ac Tyrrel, Jeremiah Murden 310 Pasquotank, Nath Norwood 400 Edgcombe, Richard Peirce 320 Perquimons, Owen Reese 503 Pasquotank, Anthony Webb 87 Bertie Granted

Read the following Petitions for Warrants for Land Vizt

William Allen 100ac No Hampton, James Jones 300 Edgecombe, Thos Pendleton 400 Pasquotank Granted

At a Council held at Edenton the 2d April 1743

Present His Excellency the Governour

The Honoble { Nath Rice, Edwd Moseley, Robt Halton, Cullen Pollock, Math Rowan, James Murray } Esqrs Members of Council

The following Persons were admitted to prove their rights in order to their taking up of Land Vizt

	Black		White	Black
Joseph Wimberly Pasquotank	1	James Craven Chowan	1	14

Read the following Petitions for Patents for land Vizt

Mary Egerton 200 Tyrril, Richd Hardygrove 100 Edgcombe, Stephen Hall 108 Pasquotank, Epaph Moor 300 Edgcombe, Math Norwood 400 Do, James Spiere 500 Craven

His Excellency the Governour being moved in behalf of Daniel McKiken That his Fine imposed upon him last Court of Assize at Cape Fear for certain misdemeanors might be remitted in consideration of several circumstances of mitigation that were urged in his favor. His Excellency was pleased to ask the opinion of the Council who advised his Excellency to grant the same, and His Excellency ordered the said Fine to be remitted accordingly

Read sundry Petitions for warrants for Land as follows Viz

William Lighgon 900ac N. Hanover, Ditto 320 Do, Jos Wimberly 150 Tyrrel Granted

At a Council held at Edenton 25 day of July Anno Dom 1743
Present His Excellency the Governour
The Hono^ble { Rob^t Halton, Edw^d Moseley, Cullen Pollock, James Murray } Esq^rs Members of Council

Read the following Petitions for Warrants for Land Viz^t

John Lee 400 Craven, William Williams 200 Onslow, William Williams 100 Ditto, Luke Whitefield 200 N. Hanover, John Howard 300 Onslow, John Greganus, 300 D°, George Paul 600 D°, Zach^s Field 200 D°, Peter Dough 400 Currituck, William Seargeant 200 Edgcombe, Theop^s Goodwin 250 Ditto, Oza Jeffries 150 Ditto, Solomon Fullar 300 Northampton, John Terrell 200 Edgcombe, Ditto 300 Ditto, Thomas Kerby 200 Ditto, Ditto 200 Ditto, Isaac Ricks 150 Ditto, Samuel Williams 300 Ditto, Sam^l Peacock 500 Craven, John Smith Ju^r 500 Hide, Wy Ormond 150 Beaufort, Lodowick Martin 150 Hide, John Smith Ju^r 300 Ditto, John Smith Ju^r 100 Hide, Richard Alligood 150 Beaufort, William Webster 200 Hide, James Kelly 200 Ditto, Ditto 200 Ditto, John White 150 Ditto, John White 300 Ditto, John Collins 200 Ditto, William Williamson 150 Craven, Charles Cavenah 200 Edgcombe, William Pugh 200 Craven, James Popeland 550 Chowan, Nath Everet 300 Onslow, Daniel Marshburn 300 Ditto, Alexander Clark 200 Bladen, Thomas Martin 200 Carteret, David Shephard 640 Ditto, Joseph Pitman 500 Craven, George Read 300 Carteret, Col° W^m Wilson 300 Craven, Ditto 400 D°, Col° W^m Wilson 400 Craven. Granted

Read the following Petitions for Patents Viz^t

William Price 200 Hyde, Thomas Goeler 300 Hide, John Findall 200 Beaufort, Timothy Harris 165 Ditto, William Maxon 200 Hide, William Martin 200 Beaufort, Isaac Rich 150 Edgcombe, Thomas Kerby 300 Craven, John Carrell 300 Northampton, Ozh Jeffreys 400 Craven, Robert Mitchell 350 Edgcombe, Epa^m Moore 300 Ditto, William Hobby 150 Ditto, Isaac Ricks 400 Ditto, Ozh Jeffreys 350 Edgcombe, Thomas Wall 500 Ditto, Nath^l Cooper 400 Ditto, William Taylor 1000 Ditto, John Wallis 300 Onslow, Thomas Brown 300 Edgcombe, John Bass 300 Ditto, Robert Hudwall 150 Ditto, John Singleton 300 Craven, John Ballard 600 Ditto, Richard Johnston 200 Ditto, Corn^s Lynch 170 Ditto, George Kernegy 50 N. Hanover, Jona Bangs 170 Craven, Winder Blyler 200 Ditto, John Boyd 300 Ditto, Thomas M^cClendon 350 Craven, Robert Refords 100 D°, Edward Jones 200 Edgcombe, Hugh Stainland 100 Craven, George Wimberly 640 Edgcombe, William Lasseter 300 D°, Edward Jones 640 D°, William Hawkins 187 Onslow, William Lester 137 D°, Richard Kimp 300 Edgcombe, Edward Boykin 200 D°, James M^cKlewean 600 Craven, Nathaniel Jones 300 Edgcombe, Robert Green

400 D°, George Kenegy 100 Craven, David Williams 300 N. Hanover, Stephen Ganey 200 Edgcombe, Stephen Howard 250 Onslow, Jno Smithwick for a resurvey of a tract in Tyrrel, Jas Waine for Ditto in Craven, Seth Pilkington for a resurvey for a tract in Beaufort. Granted

Read sundry Petitions for Warrants for Land Viz^{t}

Arthur Pearce 100 Craven, James Bourman 200 Edgcombe, Igna^{s} Smallwood 356 Craven, James Spier 100 Ditto, Benjamin Wall 100 Ditto, William Bun 500 N. Hanover, John Blunt 100 Craven, John Waid 500 Beaufort, Henry Rhodes, 300 Onslow, John Heays 300 Pasquotank, Thomas Thel 600 N. Hanover Granted

The following Persons were admitted to prove their rights in order to their taking up of Land Viz^{t}

	White	Black		White	Black
Arthur Pearce	1		Oz^{h} Jeffries	1	1
Benj^{a} Wall	1		William Bupps	6	
Jno Spier	1		Ignatius Smallwood	6	
John Blunt	1		John Smith	3	
John Ward	5		John Castellaw		2
Abra^{m} Duncah	7	15	James Basman	3	

At a Council held at Edenton July the 26th 1743

Present His Excellency the Governour

The Honoble { Robert Halton, Cullen Pollock, Edward Moseley, James Murray } Esq^{rs} Members of Council

Read the following petitions for Warrants for Lands Viz^{t}

Thomas Jones 100, 200 Bladen, Benj^{a} Williams 250 Craven, Abraham Duncan 300 Beaufort, Tho^{s} Brooks 50 Bladen, Thomas Teal 100 Craven, William Hall 200 Ditto, William Hall 200 Ditto, Henry Best 200 Ditto, Ditto 200 Ditto, Henry Best 200 Craven, Thomas Page 300 Ditto, Ditto 300 Ditto, Phillip Pearce 200 Craven, Solomon Johnston 350 Ditto, James Conner 500 Tyrell, Thomas Pendleton 395 Pasquotank, Robert Edney 150 Ditto Granted

Read the following Petitions for Patents Viz^{t}

Francis Spight 200 Chowan, James Swain 200 Craven, Samuel Smithwick 500 Bertie, John Dugging 500 Ditto, William Moor 400 Edgcombe, George Gould 640 Bertie, James Copland 600 Chowan, Thomas Mackey 200 Pasquotank, Daniel Osheal 640 Edgcombe, Charles Jenkins 600 Chowan, Joseph Norris 350 Pasquotank, Joseph Midgett 100 Currotuck, Henry Gibbs 1150 Ditto, Francis Parker 200 Edgcomb, John Lee 400 Craven, Robert Warren 170 Edgcombe, Thomas Bridgman 400 Tyrrel, Jasper Cox, 400 N. Hanover, David Coltrain, 330 Edgcombe, Richard Lee, 400 Edgcombe, John Sharrard 300 Craven, John Wood

400 Ditto, John Pope 200 Ditto, Ditto 300 Edgcombe, Thomas Williams 400 Ditto, John Lee 100 Craven, Isaac Williams 100 Ditto, John Wood 100 Ditto, Benjamin Edwards 150 Edgcombe Granted.

The following Persons were admitted to prove their rights in order to their taking up of Land, Viz^{t}

	Whites	Blacks		Whites	Blacks
Humphray Robinson	6	2	William Arkell	2	3
James Killey	5	9	Richard William Salvester		1
Samuel Jasper	10	5			

The Office of Chief Justice being become vacant by the death of William Smith Esq^{r} his Excellency was pleased to ask the advice of his Majestys Council in relation to the filling the said Post with some Person till his Majestys pleasure shall be known Who being divided thereupon his Excellency was pleased to appoint John Montgomery Esq^{r} his Majestys Attorney General to be Chief Justice of the province in the room of the said William Smith, As also to appoint Joseph Anderson Esq^{r} Attorney General in the room of the said John Montgomery and Edward Moseley Esq^{r} was appointed Chief Baron of the Exchequor

Ordered that commissions be forthwith prepared and issued accordingly under the Great Seal of the Province—It was also Ordered by and with the advice and consent of His Majestys Council That Robert Halton James Innes Macrora Scarbrough and Thomas Hunter Esq^{rs} be assistant Justices of the General Court and that a Commission be made out and issued accordingly

Then the Council adjourned till the Afternoon 3 °Clock

The Council met according to adjournment Present as before

John Montgomery Esq^{r} produced a Commission appointing him Chief Justice of North Carolina and thereupon was duly qualified by taking the several Oaths by Law appointed for the Qualification of Publick Officers subscribing the Test and taking the Oath of a Chief Justice

Edward Moseley Esq^{r} produced a Commission appointing him Chief Baron of the Court of Exchequer of North Carolina and was thereupon duly qualified by taking the several Oaths by Law appointed for the qualification of Publick Officers subscribing the Test and taking the Oath of a Chief Baron

Joseph Anderson Esq^{r} produced a Commission appointing him Attorney General of the same Province and was duly qualified by taking the several Oaths by Law appointed to be taken by Publick Offices and subscribing the Test

At a Council held at Edenton the 27th day of July 1743

Present His Excellency the Governour

The Honoble { Robert Halton, Collin Pollock, Edward Moseley, James Murray } Esqrs Members of Council

Read the following Petitions for Warrants for Land Vizt

Peter West 100 Bertie, John Swandall 900 Currituck, Job Wilder 400 Edgcombe, William Bentley 400 Ditto, Thomas Lane 400 Craven, Israel Lambert 150 Pasquotank, Elisha Ballard 640 Perquimons, Benjamin Colpepper 200 Edgcombe, Thomas Keppon 300 N. Hanover, Ditto 200 Ditto, John Bird 100 Bladen, Elisha Hunter 200 Chowan, James Hasel 640 N. Hanover, Truman Moor 250 Perquimons, William Walker 300 Edgcombe, Elias Fort 200 Ditto, Joseph John Alston 150 Ditto, Richard Hardgrove 200 Edgcombe, Nath Maccaw 300 N. Hanover, Nath Martin 297 Carteret, John Miller 400 N. Hanover, Francis Sumner 300 Onslow, Gibbon Jening 250 Ditto, Edward Hard Junr 640 Ditto, Moses Saunders 300 Ditto, Stephen Howard 300 Ditto, Garsham Howard 450 Ditto, Elias Stallings 400 Bertie, Ditto 600 Ditto, Edward Homes 300 Ditto, Peter West 100 Ditto, Edward Homes 300 Ditto, Richard Lovit Junr 100 Hyde, Mary McKonky 200 Bladen, John Lannier 640 Bladen, William Whilleff 640 Craven, John Campbell 300 Chowan, Richard Silvester 300 Hide, Macrora Scarbrough 256 Perquimons, Elias Stallings 600 Bertie, Ditto 400 Ditto. Granted.

Read the following Petitions for patents Vizt

Joseph Barredel 200 Bertie, Zachr Chancey 950 Perquimons, Arthur Whitehead 400 Edgcombe, William West 200 Ditto, John Seold 150 Ditto, James Jones 300 Ditto, William Edens 250 No Hampton, John Moore 156 Perquimons, Thomas Nicholson 100 Ditto, Aaron Hill 300 Pasquotank, John Matchatt 430 N. Hanover, Edward Arnold 85 Chowan, Francis Spight 640 Ditto, William Moore 400 Edgcombe, Joseph Howell 156 Craven, Ditto 150 Ditto, Latham Pursell 200 Pasquotank, Joseph Wensley 200 Perquimons, James Parnenter 500 Edgcombe, Alie Bryan 300 Craven, John Beaton 640 Ditto, John Holbrook 250 Bertie, William West 100 Edgcombe, Jacob Rogers 200 Ditto, Joseph Hosea 204 Perquimons, Samuel Williams 640 Edgcombe, Ditto 100 Ditto, James Minekin 200 Beaufort, Abrm Salterthwite 130 Hide, Richard Warnor 250 Beaufort, Jane Jennett 150 Tyrrel, John Wilcox 30 Perquimons, Thomas Hill 500 Edgcombe, Solomon Hughs 74 Bladen, James Craven for a resurvey of Certain Land in Chowan Granted

The following Persons were admitted to prove their rights in Order to their Taking up of Land Vizt

	White	Black
John Cambell	12	5
Macrora Scarborough	3	

At a Council held at Edention the 28th day of July 1743

Present His Excellency the Governour

The Honoble { Robert Halton, Edward Moseley, Collin Pollock, James Murray } Esqrs Members of Council

Read the following Petitions for Warrants for Lands Vizt

Joseph Harran 300 Chowan, Thomas Yeats 300 Bertie Granted

Read the following Petitions for Patents Viz

Samuel Green 350 N. Hanover, John Cox 200 Onslow, Samuel James 216 Ditto, Francis Surcan 640 N. Hanover, William Jones 400 Edgcombe, Henry Roads 150 Onslow Granted

Read the Petition of James Lipsey setting forth that the Clerk had committed an error in the filling up of his Warrants, the name of *John* being put when it should have been *James* praying the same might be rectified which was accordingly done in Council

Joseph Herran was admitted to prove his right in order to his taking up of Land which are White 3, black 21.

At a Council held at the Council Chamber in Edenton the 10th day of November 1743.

Present His Excellency the Governour

The Honoble { Nath Rice, Roger Moor, Robt Halton, Will Forbes, Math Rowan } Esqrs Members of Council

His Excellency was pleased to lay before the Board a Letter from the Duke of Newcastle in relation to my Lord Carteret's Eighth part of South and North Carolina with his Majestys order in Council touching the same and certain Instructions under his Majestys royal sign manual for setting out to his Lordship, his Lordships said eighth part of South and North Carolina in North Carolina in one entire District Which order and Instructions were read at the Board and in persuance of the same, His Excellency with the advice of His Majesty's Council appointed Robert Halton, Eleazer Allen, Mathew Rowan, and William Forbes Esqrs Members of His Majesty's Council and George Gould Esqr Surveyor Generals of Land to be Commissioners for the said Service, and a Commission was ordered to be made out accordingly

Read the Opinion of Sir Edward Northey and other Judges upon the Act for impressing Seamen in America which had been sent to his Excellency by the Lords Commissioners of the Admiralty, which was ordered to be recorded.

Read an Instruction to Captain Ashby Uthing for the Protection of this Province by Sea from Spanish Privateers by extending his Cruize as far as Cape Hatteras which was ordered to be registered

The following Persons were admitted to their Rights which are as followeth Viz^{t}

		White	Black			White
Mathew Rowan	New Hanover	6	1	James Hamilton	Beaufort	2
Joseph Bradley	Edgcombe	1		James Dudley	D^{o}	2
John Simons	D^{o}	9	1	W^{m} Charon	D^{o}	2
Tho^{s} Long	Craven	4		James Cook	Craven	8
Jno Thomas	D^{o}	9		Jno Blackman	D^{o}	4
Henry Davis	D^{o}	6		Jno Martin	Edgcombe	9
Sam Harding	D^{o}	5		Thos Zackra	D^{o}	4
James Bennett	D^{o}	6		Jno Cruckshanks	D^{o}	7
William Taylor	D^{o}	4		Benjamin Thompson	D^{o}	6
Richard Wiggins	D^{o}	6		Joseph Kymbal	D^{o}	4
Fra^{s} Dickison	D^{o}	3		W^{m} Kymbal	D^{o}	10
Rob^{t} Beard	D^{o}	7		Benj^{a} Kymbal	D^{o}	11
Jno Whitley	D^{o}	3		Rich^{d} Jones	D^{o}	4
Elias Bargeroon	D^{o}	3		W^{m} Saser	D^{o}	3
Peter Batson	Onslow	2		Jno Skelton	D^{o}	2
Jas Alkin	D^{o}	1		W^{m} Johnston	D^{o}	3
Christ^{o} Dudley	D^{o}	2		Sam^{l} Duke	D^{o}	4

At a Council held at Edenton the 11th day November 1743

Present His Excellency the Governour

The Honoble { Nath Rice, Roger Moore, Rob^{t} Halton, W^{m} Forbes, Math Rowan } Esq^{rs} Members of Council

Read the petition of Henry M^{c}Culloh Esq^{r} in relation to a Tract of Land of 72,000 Acres to the said M^{c}Culloh, on the head of the North East river at Cape fear setting forth, sundry Errors in the survey and Patent and praying to be relieved, And further desiring by the Secretary that a day might be appointed for him to produce his Proofs and Vouchers.

Ordered that Wednesday next Mr M^{c}Culloh have leave to lay his Proofs before this Board.

His Excellency proposed to the Board the opening of the Court of Chancery upon the Chief Justices informing him that several Persons who had Suits depending at common Law—wanted to take out Injunctions; which being considered by the Board they were all of opinion that as the Court of Chancery was established at Cape Fear, it ought not to be held at this Place

Read the following Petitions for Grants for Patents Viz^{t}

William Williams 200 acres Onslow County, Duncan Cowan 640 N. Hanover, Sam^{l} Williams 640 Edgcombe, Jno Parks 150 D^{o}, Joseph Good-

son 400 D°, Jos. John Alston 150 D°, Rich[d] Wall 300 N° Hampton, Joseph Bradley 72 Edgcombe, Charles Jordan 154 Bertie, Sam[l] Peacock 333 Craven, Jno Gainey 300 D°, Benjamin Parsons 200 Edgcombe, Nicholas Bourk 200 D°, Jno Bryan 200 Craven, D° 93 D°, Jno Sellers Jun[r] 400 D°, Tho[s] M°Clendon 320 D°, Jno Creel 300 D°, Jno Teal 100 D°, Tho[s] Long 200 D°, Edw[d] Webber 200 Beaufort, W[m] Norwood 138 Craven, Fran[s] Clark 100 Onslow, Jonathan Woodall 172 D°, Benj[a] Weeks 200 Carteret, George Paul 600 Onslow, Moses Saunders 300 D°, Jno Hinton 138 Craven, Samuel Cherry 200 Beaufort, Simon Jones 200 D°, Jno Maudual 150 Hyde, Isaac Buck 640 Beaufort, W[m] Taylor 160 Edgcombe, Ditto 100 D°, James Conner 100 Craven, W[m] Adams 320 Beaufort, Simon Bright 540 Craven, W[m] Nivens 300 D°, Thos Smith 100 D°, John Filliau 100 D°, Lazarus Kenny 200 Onslow, James Rooke 200 D°, W[m] Wickliff 350 Craven, Edm[d] Pearse 200 Beaufort, Tho[s] Williams 240 D°, Isaac Buck 160 Hyde, W[m] Martin 100 Beaufort, Tho[s] Little 400 D°, Isaac Buck 200 D°, Thos Giddings 300 D°, Tho[s] Gralor 300 Hyde, Tho[s] Jewell 75 D°, Wyriot Ormond 150 Beaufort, W[m] Deloack 300 Edgcombe Granted

Read the following petitions for Warrants for Land Viz[t]

Joseph Bradley 100 Edgcombe, James Smith 250 Tyrrel, Sol° Wofort 250 Craven, Jno Powel 100 D°, James Wiley 100 Tyrrel, James Connor 200 Craven, Thos Mercer 200 D°, Jas Conner 150 D°, Rob[t] Warren 350 N° Hampton, Jno Simons (Col°) 640 Craven, Margaret Haynes 200 N. Hanover, Simon Holmes 200 Craven, Benj[a] Thompson 600 Edgcombe, W[m] Kymbal 500 D°, Jno Martin 200 D°, W[m] Sasser 300 D°, Jno Cruckslanks 300 D°, Benjamin Kymbal 200 D°, And[w] Jno Febbin 150 Onslow, George Cubbage 200 Bladen, Ditto 100 D°, Math Rowan Esq[r] 640 Bladen, George Jordan 100 Edgcombe, Stephen Williams 200 Onslow, W[m] Williams 200 D°, Jno Bobbit 400 Edgcombe, Jno Simons 2,400 D°, Tho[s] Jackson 400 Chowan, Joseph Hymbal 500 Edgcombe, Richard Jones 400 D°, Thos Zackerry 300 D°, John Starkey 200 Onslow, Owen Jones 50 D°, Theoph[s] Weeks 100 D°, Christ° Dudley 200 D°, Jas Alkin 100 D°, Peter Batson 100 Carteret, James Hamilton 150 Beaufort. Granted.

Read the Petition of James Castellaw for a Resurvey of certain Lands in Tyrrel County for which he has a Patent and praying if the Tract contains more acres than the Patent is for, that He may have the Preference in taking up such surplusage Granted for the Survey, and accordingly it was Ordered that the Surveyor General do cause a resurvey to be made of the said Lands and return the same to this Board.

At a Council held at Edenton the 15th day of November 1743

Present His Excellency the Governour

The Honoble { Nath Rice, Roger Moor, Robt Halton, Edward Moseley, Math Rowan, Wm Forbes } Esqrs Members of Council

The following Persons were admitted to prove their Right Vizt

		White			White
Hugh Blaning	New Hanover	4	Ralph Mason	Edgcombe	6
Wallace Jones	Edgcombe	4	Jno Wilkinson	Chowan	4
Wm Williams	Do	7	Richard Holland	Edgcombe	2
George Nicholson	Do	7			

Read the Petitions of the following Persons for Warrants for Land Vizt

Jacob Lewis 640 Onslow, Hugh Blaning 320 N. Hanover, Roger Moore 300 Do, Martin Gardnier Senr 300 Bertie, Wm Cannon 400 Beaufort, Jno Tuly 50 Hyde, Wm Linniear 200 Beaufort, Henry Snoad 300 Do, Simon Jones 200 Beaufort, Wm Caron 100 Do, James Dudley 200 Do, Chas Gavin 600 Craven, Edward Jones 640 Edgcombe, Martin Gardiner Junr 400 Bertie, Jonathan Parker 600 Chowan, Jno Davis 300 Edgcombe. Granted

Read the following petitions for Patents Vizt

Robt West (Col°) 640 Bertie, Wm Bentley 400 Edgcombe, Mary Patterson 300 Do, Thos Lane 400 Craven, David Davis 200 Onslow, Saml Brown 150 Edgcombe, Saml Thomas 450 Bertie, Jno Askue 266 Edgcombe, Peter West 80 Bertie, Luke Slaughter 250 Do, Danl Vanpelt 400 Do, Thos Morrice 320 N. Hanover, Jno Perry 600 Bertie, Saml Saban Plumer 144 Pasquotank, Jno Thomas 300 Craven, Edwd Tyson 50 Hyde, Robt Sanders 640 Edgcombe, Richd Grandon 640 Do, Frans Parker Junr 640 Do, Ditto 640 Do, Jno Howel 100 Bertie, Thos Smith 100 Craven, Henry Everitt 100 Beaufort, Abra Whitehead 164 Edgcombe. Granted.

P. M. Read the following Petitions for Warrants for Land Vizt

David George 40 Craven, Do 60 Do, John Herring Junr 300 Craven, Archibald Mcilroy 250 Do, Henry Morris 200 N. Hanover, Andrew Wallace 200 Do, Jno Keen 100 Do, Wm Thomas 150 Do, George Nicholson 640 Edgcombe, Wallace Jones 350 Do, Wm Williams 640 Craven, Ralph Mason 300 Edgcombe. Granted

Read the Petition of Robert Walker setting forth that one Thomas Kennon had obtained a Warrant for two hundred Acres of Land, for which the Petitioner has prior Warrant, by surprize and knowing the Petitioner had such a Warrant the time for surveying which is not yet elapsed; Praying therefore that the Grant to the said Thomas Kennon,

may be set aside, That so he may be at Liberty to apply in proper manner for a Grant upon return of the Warrant and Survey for the Petitioner

His Majesty's and my Lord Carterets Commissioners for setting out his Lordships eighth part of North and South Carolina in that part of North Carolina which lyes next adjoining and contiguous to Virginia by runing a line of Division between such Eighth part and the rest of North Carolina to the Southward, being met in a body in the Council Chamber did there represent to his Excellency the Governor That the business of the Assembly now setting could not be carried on without interfering with his Majesty's Instructions in that behalf (which they observed required the greatest dispatch) most of the Commissioners being of His Majesty's Council

They therefore humbly offered it as their opinion and desired for as much as the time limitted for running the said Line would expire by the second of January next and the season of the year being so far advanced that unless the work was undertaken immediately there was danger least the same might be obstructed by bad weather so as to prevent His Majestys orders from being carried into Execution, That his Excellency would be pleased to prorogue the Assembly that they might enter without loss of time upon the Execution of their Commissions which they cannot do while the Assembly sits, as their Absence would not leave a sufficient number to make an Upper House.

To which his Excellency was pleased to return for Answer, that he would consider of it.

At a Council held at Edenton the 16th day of November 1743 Present as before

The following Persons applyed for Grants for Land as follows Viz^{t}

W^{m} Mace 100 Beaufort, W^{m} Pearce 600 Bertie, Rice Price 375 Craven, W^{m} Mace 640 Beaufort, Thos Bonner 400 Beaufort, D^{o} 300 D^{o}, Sam^{l} Boutwel 400 D^{o}, Richard & W^{m} Silvester 300 Currituck, Jno Rassberry 200 Bertie, Jno Mills 500 Beaufort, Elisha Ballard 60 Perquimons, Dan^{l} Dimbibin 260 N. Hanover, Edward Griffith 640 Craven Granted

The following Persons applyed for Warrants for Land Viz^{t}

Joseph Thomas 300 Edgcombe, Rich^{d} Sumner 350 N^{o} Hampton, W^{m} Chevers 200 Edgcombe, Nehemiah Joiner 200 D^{o}, W^{m} Bentley 200 D^{o}, Robt Ruffin 200 D^{o}, W^{m} Kinchin 100 D^{o}, Edw^{d} Jones 640 D^{o}, Joseph Lane 400 D^{o}, Jno Williams 400 N. Hanover, Thos Walton 700 Chowan, Mich Boon 300 N^{o} Hampton, Alex Campbell 400 D^{o}, W^{m} Hinning 150 Craven, Thos Farmer 300 D^{o}, W^{m} Kinchin 540 D^{o}, Nath^{l}

Barnes 100 Edgcombe, Joseph Barnes 100 D°, Joseph Lane 200 D°, John Wynns 200 Craven, Tho^{s} McClendon 250 D°, Thos Bird 250 Bertie, David Evans 300 N. Hanover, W^{m} Gourney 200 Craven, Richard Holland 200 Edgcombe, W^{m} Kinchin 200 Craven. Granted.

The following Persons were admitted to prove their Rights in order to their taking up of Land Viz^{t}

		Whites	Blacks
Isaac Farmer	Edgcombe	3	
Joseph Thomas	D°	5	5
W^{m} Gourney	D°	5	
W^{m} Herring	D°	2	
Nehemiah Joiner	D°	2	

The Representation of Henry M°Culloh Esq^{r} which was presented the 11th instant and was now again read being in the following words

To His Excellency Gabriel Johnston Esq^{r} in Council

The humble Representation of Henry M°Culloh Sheweth

That his Majesty by his order in Council bearing date the 29th day of April 1736 Directed the Surveyor General or his Deputy to lay out and admeasure seventy two thousand Acres of Land upon the North East Branch of Cape Fear river from the second high Bluff upwards leading towards the point of Trent river on the East side and on the West towards the head of black river and further directs that the Land shall be within the Limits described in the said order

That although his Majesty's said order of Council in a very particular manner directed at what place the Survey was to begin and in what manner the Surveyor was to proceed afterwards, Capt Rowan who then acted as Surveyor General was pleased to begin the Survey upon a branch of Black river; at above thirty miles distant from the second high Bluff, and in the whole of the survey by him made he has not taken into the amount of four thousand acres of the Lands described in his Majesty's said Order of Council. Which extraordinary proceeding of the Surveyor General could not have been warranted if the Grantee himself had been consenting thereunto.

That his Majesty having been graciously pleased to direct that the Grantee should only be liable to the settlement of one white Person for every four hundred and forty acres contained in his Grant. The Secretary in making out said Grant Subjects the Grantee to the Settlement of one white person for every two hundred acres contained in the same, And further makes the Grantee liable to several conditions of forfeiture that are not directed by his Majesty in the said order of Council.

That your Memorialist being fully determined immediately to comply with the conditions upon which he obtained his Majesty's said Order of Council. He at great expence employed several Persons to procure him foreign Protestants to settle upon the Lands that were to be granted; and accordingly before he had any notice of said survey transported into this Province by one Cap^{t} Ure one hundred and fifty three Persons and by a Sloop from South Carolina forty two Swiss making in the whole one hundred and ninety five Persons who were mostly supported by him for above twelve months after their Arrival in this Province.

That although at the time those persons were Shipt he had not any notice of the survey being made or that the Lands could be prepared to receive them yet he thought himself very secure in that particular, as your Excellency in 1735 was pleased to order a survey to be made for him of four thousand acres of Land at Golden Grove in which place he intended to seat the persons he had transported untill the former Grant was made out But by what authority the surveyor took in those Lands into the Survey that he made upon black river, Your Memorialist is at a loss to judge

That when your Excellency ordered the Grant and plot annexed thereunto to be transmitted Your Memorialist appeals to your Excellency whether he did not very soon after object both to the Survey and to the Grant as issued and if He did not since his arrival in this Province apply upon Several Occasions to your Excellency to have a new Grant made out agreeable to the terms and Contained in his Majesty's said Order of Council

That his Majesty by that said Order of Council having been pleased to direct that a saving Clause as to the right of such as may have a lawful claim to any of the said Lands by virtue of Grants made and authenticated to them before your Excellency shall be apprised of his Majestys pleasure signified for passing the said Grant to the Petitioner

Your Memorialist is therefore humbly of opinion that no warrant or Grant is or ought to issue to any Persons who have seated themselves upon the Lands which of right belongs to him, by virtue of his Majestys said order of Council your Excellency having been for many years apprized of his Majestys intentions therein

Your Memorialist therefore humbly prays that your Excellency would take the premises into consideration and that your Excellency will be pleased to grant such Relief as the nature of the case requires.

I am your Excellencys

Most obedient and most humble servant

HENRY M^{c}CULLOH

Mr McCulloh having spoke to several Points in his Memorial offered the return of a view that had been made of his Lands on the N°East by the direction of the Surveyor General in pursuance of an Order of His Excellency the Governour which was objected to by Mr Rowan who Surveyed the Land in regard that he had not notice to be present at the said view and therefore desired the same might not be received or any evidence offered by Mr McCulloh thereupon till he should be prepared to make his defence which the Council thought reasonable. Then Mr McCulloh produced a Copy of the Patent or Grant that was made out to him for one of the Tracts of Land therein mentioned Viz^{t} that for 72,000 acres attested by one of the Clerks of the Secretary's Office as taken by him from the record of Patents but he could not be certain whether it had been examined and the record Book from whence the same was taken being at Cape Fear it could not now be compared therewith. Then the Question being put to the Council by the Governour whether admitting the said Copy as Evidence they could form a Judgment from the Courses there laid down whether the Survey was agreeable to the Kings order of Council now read to them, They were all of opinion that it was impossible to form Judgment from such great number of courses, without a scheme or plot of the Lands described by those courses. Whereupon Mr McCulloh was desired to produce his patent with the plot of the Land annexed, who affirmed upon Oath, that neither the Patent nor plot was in the province, but left by him in London.

Whereupon the following Expedient was proposed, that is to say, That the Surveyor General should be directed to resurvey the Land in dispute by and according to a copy of the courses from the Patent Book, attested by the Secretary himself and return a perfect plot or plan of the Land so to be resurveyed to this Board, at their next sitting Accordingly it was Ordered that the Secretary deliver an attested Copy of Mr McCullohs Patent for 72,000 Acres, as recorded in the Patent book and that the Surveyor General cause a resurvey to be made agreeable thereto, and report the same to the Board

Henry McCulloh Esq^{r} presented a Representation in behalf of Murray Crymbal, James Huey, and their Associates, in the following words Viz^{t}

To His Excellency Gabriel Johnston Esq^{r} in Council

The Humble Representation of Henry McCulloh in behalf of Murray Crymbal, James Huey and their associates Sheweth

That his Majesty by his order in Council bearing date the 19th day of May 1737 ordered and directed that the said Murray Crymbal James Huey and their Associates shall be allowed one million two hundred

thousand Acres of Land to be surveyed upon the heads Pee Dee Cape Fear and Nuse rivers and that when the Surveys were returned that the Governour do grant the same to the Petitioners and their Associates in such proportion as shall be required by them But no Grant to contain less than twelve thousand Acres

That as the said Grants were to be made out to Murray Crymble, James Huey and their Associates in severalty and that each of the Associates were only subject to the Conditions contained in the Grants to be made out to each of them respectively the Surveyor General could not in pursuance of said order make any survey untill the parties concerned had first informed him in what proportion and in whose names the Surveys and plats were to be returned and further the said order directing that those twelve different parcells shal be surveyed upon the heads of Pedee Cape Fear and Nuce rivers, the Surveyor General could not determine for the parties what proportions of Land should be súrveyed to them upon the heads of these rivers respectively nor would this be consistent with such agreement as Murray Crymble, James Huey and their Associates came under in relation to their respective shares or proportions of the lands to be allotted them as by private agreement was determined previous to the survey, upon what rivers their shares were to be laid out to them

That not only by the constant practice of this province but also of all other his Majesty's Provinces upon the main of America no Surveyor General or Deputy is to lay out or admeasure any Lands upon a General Warrant without first having notice from the party parties, or some person authorized by them where such Lands lye that he is to survey and make return of the plan or plot. And further to remedy the frequent abuses that were committed by the Surveyors in this Province in the year 1715. It was Enacted that all Warrants shall be delivered to the Surveyor General or his Deputy together with an account where the land lyes which he intends to take up by that warrant and by the said Law there are penalties inflicted on the Surveyor if he doth not do his Duty

That as there was a special direction in his Majestys said order to take care of the rights of such, who had Grants made out to them previous to those that were to be made out to Murray Crymble, James Huey and their Associates it was thought proper by the Gentlemen concerned to desire me to send over to your Excellency a Duplicate, of his Majestys said order of Council that you might be informed of his Majestys intentions therein and at same time I was desired to inform your Excellency that the Gentlemen concerned intended to send over an Agent to

take care of their Interest and that as soon as they could conveniently meet to determine in what proportion the Grants should be made out they would give no delay but transmitt the same to your Excellency. When I received this notice from the Gentlemen concerned, there was no opportunity of writing to your Excellency from London, but as I knew of two Ships going from Ireland, I took that Opportunity of writing to your Excellency, to the Effect and purport I have above set forth, for the truth of which I appeal to your Excellency

That when I returned from Ireland to London, the Gentlemen concerned in a little time after, had a meeting, and agreed amongst themselves, upon what rivers each of them should have their shares or proportion of the Lands laid out to them and at that meeting give directions to Murray Crymble and James Huey to vest the Lands in me as Trustee for the rest, and upon that occasion took obligations from me as far as in me lay to perform the conditions upon which the Trust was vested

That by the first opportunity that offered for this province afterwards, I wrote your Excellency in what manner the Gentlemen had agreed to have the said Lands Surveyed, but Capt Rowan being then Provisionally appointed Surveyor General, by your Excellency untill the Lords of the Treasury should appoint another went hastily upon the Survey without any notice or direction from any Person authorized so to do, and returned plats for a million of Acres in one Tract upon Pedee and some other rivers not far distant therefrom.

That I am credibly informed Capt Rowan was to pay Samuel Woodward Esq^{r} then Collector, at Cape Fear a moiety of what he was to receive by his said Commission of Surveyor General and that he and Cap^{t} Woodward being apprehensive that a Surveyor would soon be appointed from home prevailed at last with your Excellency to deliver them his Majesty's said Order of Council as a matter properly belonging to them and to be in their Custody.

That Captain Rowan having made a Survey before the direction above referred to came to hand and also by entering a Caveat has to the great loss and damage of the gentlemen concerned, prevented the Execution of his Majestys said order of Council.

That your Memorialist as agent from Murray Crymble James Huey and their Associates, is at last laid under an indispensible necessity humbly to insist that your Excellency will be pleased to allow, and direct that his Majesty's said Order of Council shall operate in the manner and upon the Terms and directions therein contained, and as a justification of your memorialist that you will allow him to offer such evidence as may be

necessary to support the alligations set forth in this representation. And that your Excellency will be pleased to order that the proceedings in relation to this affair may be entered at large by the Secretary and a Copy of them delivered to me under the Seal of this province, that the Gentlemen concerned may not be barred from taking such measures, as may be necessary to support their claim at this Juncture. I am

Your Excellencys most obedient and most humble Servant

HENRY M°CULLOH.

Which being read Mathew Rowan Esq^{r} mentioned in the said Representation prayed that he might have time to make answer thereto which was granted him till the next meeting of the Council.

At a Council held at Edenton the 17th November 1743. Present as before

The following Persons were admitted to prove their rights in order to their taking up of Land Viz^{t}

		White	Black			White	Black
Thomas Rawlings	Craven	2		W^{m} Boyd	Craven	1	
Joseph Sassnot	D°	1		Rob^{t} Halton	N. Hanover		20

His Excellency was pleased with the consent of his Majesty's Council to order a Proclamation for all Persons that have publick monies in their hands, or any ways indebted to the Publick to appear and lay their Accounts before the Committee of Publick Accounts next February at Bath

His Excellency was likewise pleased with the consent of his Majestys Council, to order a Proclamation for all his Majesty's Tenants to pay in their Quit rents due from them to his Majesty, into the hands of his Majestys Receiver General, by the 25th of March at the usual Places and to give notice that they will be distrained upon in case of default

Read the following Petitions for Warrants Viz^{t}

Henry Sims 400 Edgcombe, Thomas Jermain 100 Craven, Hector McAlister 200 Bladen, Joseph Sessnot 100 Craven, Thos Rawlings 100 D°, W^{m} Boyd 100 D°, Edmund Murphy 300 D°, Jno Wilkins 200 Chowan, Timothy Winslow 540 Perquimons, Ephriam Vernon 300 Bladen, Jno Wilkins 200 Perquimons, Jno Davis 400 Bladen, Robt Colley 200 D°, W^{m} Chambers 200 Craven, Nich^{s} Bacon 300 D°, Needham Bryant 50 D°, Abr^{m} Odam 500 N. Hanover, James Norris 300 Craven, W^{m} Mills 150 Onslow, John Smith (Sen^{r}) 200 Hyde, Thos Sasser 250 Craven, Fran^{s} Stringer 400 Craven, Hector M°Alister 240 Bladen, Tho^{s} Devaughan 200 N. Hanover, John Keteral 500 Bertie, Dan^{l} Mash-

burne 100 Onslow, Needham Bryant 100 Bertie, Joseph Edmonson 150 Craven, Jos. Portevont 300 N. Hanover, Jas Wright 300 Onslow, Jno Cockrane 200 N. Hanover, Jno Roberts 20C Craven, Ditto 100 D°, Levie Fruhitt 300 D°, Jas M°Leweane 200 D°, Jno Stanerland 150 D°, Edward Williams 300 D°. Granted

Read the following Petitions for Patents for Land Viz^{t}

Sam^{l} Chadwick 175 Carteret, D° 400 D°, Peter Dougher 400 Currituck, John Etheridge 300 D°, Ditto 600 D°, Ditto 400 D°, Thos Tiney 138 N. Hanover, Jno. Hill 100 Craven, D° 200 D°, Sam^{l} Johnston 400 Onslow, Rich^{d} Lovet 66 Craven, John Campbell 300 Chowan, James Copeland 550 D°, Rich^{d} Lovet 320 Craven, Dan^{l} Mashburne 300 Onslow, Roger Moor 600 N. Hanover, Marmaduke Norfleet 200 Edgcombe, Isaac Ricks 150 D°, Henry Roads 150 Onslow, Math Rowan 640 Bladen, Caleb Williams 100 Currituck Granted

At a Council held at Edenton 18th November 1743.

Present His Excellency the Governour

The Honoble { Nath Rice, Roger Moor, Rob^{t} Halton, W^{m} Forbes, Math Rowan, James Murray, Edw^{d} Moseley } Esq^{rs} Members of Council

His Excellency having commanded the attendance of the lower house of Assembly was pleased to prorogue the Assembly to the third Tuesday of February next then to meet at Bath.

Upon the Secretary's Application, it was Ordered that such Publick papers as he thinks may be wanted at Bath when the Council meets there be removed to that place

The following Persons were admitted to prove their Rights Viz^{t}

		White.	Black.			White.	Black.
Samuel Martin	Craven	1		Moses Tilman	Craven	1	
Jno Carraway	D°	2		Tho^{s} Robinson	Bladen	5	1

Read the Petition of Richard Lovit complaining of several undue Proceedings in the Justices of Craven County with respect to himself in the course of his Practice as a Lawyer

Ordered that the Justices be served with a Copy of his Petition and that they be summoned to appear before the Council at Bath next February.

His Majesty's Commissioners for setting out my Lord Carterets part of the two Provinces having made their Application to his Excellency for settling their ways and allowances for the said service it was agreed and Ordered that they be allowed and paid the Sum of £1 Sterling ℔ diem and reasonable charges for so long as they shall be upon the said

service. And that accordingly they have a claim for the same on his Majesty's Quitrents pursuant to his Majestys Instructions [to] his Excellency in reference to the said Division.

It was also agreed and allowed that the Surveyors upon the said Service should be entitled to the Sum of 12^{sh} and 6^{d} ℔ diem to be paid in like manner as the Commissioners are allowed and Ordered to be paid as aforesaid

Read the following petitions for Warrants for Land Viz^{t}

Thomas Davis 100 Bladen, William Harbert 700 Tyrrel, Neale Shaw 200 Bladen, Duncan M^{c}Coulsky 200 D^{o}, Tho^{s} Vince 200 Edgcombe, Tho^{s} Roberson 50 Bladen, Thomas Devanahan 320 N. Hanover, Rob^{t} Halton 1000 Craven, Sam^{l} Martin 100 D^{o}, Jno Carroway 200 D^{o}, Moses Tilman 100 D^{o} Granted

Read the following Petitions for Patents Viz^{t}

William Roberts 300 Bladen, Tho^{s} Finch 60 Bertie, Mary M^{c}Lewaine 200 Craven, Hugh Stanley 150 D^{o}, Thomas Howel 150 N Hampton, James Pitman 200 Edgcombe, Thomas Walker 320 Bladen, Jno Bryan 93 Craven, Ditto 200 D^{o}, John Raney 200 Edgcombe, Jno Holton 100 Bladen Granted

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[B. P. R. O. North Carolina. B. T. Vol. 28.]

LEGISLATIVE JOURNALS.

North Carolina—ss.

At an Assembly begun and held at Edenton the fifteenth day of March in the year of our Lord One Thousand Seven hundred and Forty Two and in the sixteenth year of the reign of our Sovereign Lord George the second by the Grace of God of Great Brittain France and Ireland King and so forth And from thence continued by several Prorogations to the Twentieth day of July at Edenton in the year of our Lord One Thousand Seven Hundred and Forty three and from thence further continued by Prorogation to Thursday the Twenty Second Instant. Being the second Sessions of this present Assembly.

MEMBERS PRESENT.

M^{r} Speaker	M^{r} Scarbrough.	M^{r} Joseph Anderson.
M^{r} Gardiner.	M^{r} Starkey.	M^{r} Barker.
M^{r} Geo: Powers	M^{r} Burgess.	M^{r} Hill.
M^{r} Barrers.	M^{r} Faris.	M^{r} Hill.

Mr John Etheridge	Mr Sawyer.	Mr Benbury.
Mr Sinclare.	Mr Craven.	Mr Taylor.
Mr Christopher Reed	Mr John Hodgson.	Mr Smithwick
Mr Smith.	Mr Castellaw.	Mr Pope.
	Mr Bryan.	

Pursuant to the return of the Writts of Election Mr Robert Turner for Bath Town and Mr Caleb Wilson and Mr Henry White appeared took the Oaths by Law appointed for their Qualification subscribed the Test and took their Seats in the House.

The House adjourned till to-Morrow Morning.

Fryday the Twenty third of July 1743. The House met according to adjournment

Mr Thomas Robinson one of the Members for Bladen County appeared, took the Oaths appointed by Law for their Qualification subscribed the Test and took his seat in the House.

Read the Petition of Abraham Doncan complaining of the undue Election of Members for Bath Town & so forth.

Mr Turner then sitting Member moved that the Meritts of the said Petition may not be entered into till Mr Payton who was one of the inspectors of said Election and a Member of this House shall appear.

Mr Barker moved that the Petition be heard to-morrow, Mr Hodgson objected and moved it be heard on Monday, on which the question was put whether it be heard to-morrow or Monday which was put to the Vote and resolved it be heard to-morrow

Mr Castellaw moved for leave to bring in a Bill for providing his Majestie a rent roll and so forth.

Ordered to have leave and that he prepare and bring in the same, and that Mr Faris, Mr Starkey, Mr Smithwick Mr Scarbrough Mr Castellaw, Mr Caleb Wilson, Mr Sinclare Mr Benbury, Mr Robinson, Mr Brice, Mr Taylor, Mr Pope Mr Sawyer assist herein.

Mr Hodgson, Mr Anderson and Mr Barker were appointed to prepare and bring in a Bill for regulating the proceedings in the General and County Courts of this Province and for the better establishing the jurisdiction of the County Courts.

Mr Barker moved that the Grand Deed of Grant for Allbemarle County is in the hands of Mr William Downing that it be sent for to this House

Resolved the same be sent for.

Mr Starkey moved that Mr Hodgson Mr Anderson Mr Barker and Mr Craven prepare a fee Bill

Ordered they prepare the same and that Mr Starkey be added to the rest

The House adjourned till To-morrow 8 °clock.

His Excellency was pleased to prorogue this Assembly till Monday next.

Monday the 26th July 1743. The House met according to prorogation.

Mr William Wilson and Mr Thomas Brown appeared, Mr Benjamin Payton appeared, Mr William Kennedy appeared, Mr Thomas Pindilton appeared, Mr Stephen Lee appeared.

Read the Petition of Abraham Doncan complaining of an undue Election for a Member for Bath Town.

Mr Craven moved that the hearing of the Petition be referred till afternoon which was objected too, by Mr Faris who moved that it be heard immediately. On which the Question was put whether it be heard immediately or not, and was carried in the Affirmative.

Mr Sinclare moved that the House resolve into a Committee of the whole House.

Resolved That the House resolve into a Committee of the whole House.

The House resolved into a Committee of the whole House to debate on the subject matters of the said Petition and chose Mr Faris Chairman.

The Petition was read after witnesses Examined and the Members fully debated.

Mr Speaker resumed the Chair.

Mr Chairman reported that the matters contained in the Petition were fully argued in the Committee and the Committee had resolved that the Sheriff of Beaufort County had not administered the Legal Oath to the Voters for a member for Bath Town and the Election of such members is Void and that it appearing that the Sheriff had only misconstrued the Law so was not guilty of any partiality.

Resolved That the Sheriff of Beaufort County did not administer a Legal Oath to the Voters for Electing a Member for Bath Town and the said Election of a Member for Bath Town aforesaid is Void & also that the Sheriff of Beaufort County was not guilty of any partiality in executing the writt of Election for a Member for Bath Town aforesaid.

Resolved That his Excellency the Governour be addressed to direct the Clerk of the Crown to issue a Writt for electing a Member for Bath Town the former Writt not being duly executed.

The House adjourned till 4 °clock.

P: M: The House met according to adjournment.

Sent the following message to his Excellency the Governour.

MAY IT PLEASE YOUR EXCELLENCY.

This House having declared the last Election of a Member for Bath Town Void humbly address your Excellency would be pleased to direct the Clerk of the Crown to issue a Writt for electing a Member for Bath Town to sitt in this present General Assembly.

By Order of the House SAM: SWANN. Speaker.

Read the Petition of Joseph Morgan & Edw[d] Smallage praying to be cleared from publick Taxes. Granted.

The House adjourned till 7 °Clock.

The House met according to adjournment.

M[r] Smithwick produced to this House the Grand Deed of Grant from the Lords Proprietors to the County of Albemarle.

Resolved The Clerk enter the same on the Journals of this House, And afterwards deliver the same to Cullen Pollock Esq[r] to have the keeping thereof.

M[r] Castellaw moved that William M°Gill of Edgecomb County be exempt from publick services and Taxes Granted.

The House adjourned till 9 °Clock to-morrow

Tuesday the 27[th] of July 1743. The House met according to adjournment

M[r] Speaker acquainted this House that as some of the Gentlemen of his Majesties Council who live to the Southward are not come and without whom there is not Members enough to make the other House so that there can be no possibility of doing business therefore it is resolved that the following message be sent to his Excellency the Governour (To wit)

MAY IT PLEASE YOUR EXCELLENCY

We find that the reason of the several prorogations of the Assembly within this week has been occasioned for want of Members of his Majesties Council to make another House and without which this House cannot proceed to do business and as the Members of Council that are wanting live to the Southward and no probability of their coming

Therefore Humbly desire your Excellency will be pleased to prorogue this Assembly to such further day as your Excellency shall see proper

His Excellency acquainted this House that he would send for them in a short time in the Council Chamber

His Excellency the Governour commanded the immediate attendance of this House in the Council Chamber

The House in a full Body waited on his Excellency the Governour in the Council Chamber When his Excellency was pleased to prorogue this Assembly to the second Tuesday in November next at Edenton.

M^r^ Speaker with the House returned and pronounced the prorogation accordingly.

WILL^m^ HERRITAGE C^lke^ Gen^ll^ Assembly.

1744.

[Reprinted from Revised Statutes of North Carolina, Vol. II, Page 15.]

GRANT FROM KING GEORGE THE SECOND, TO JOHN LORD CARTERET, AFTERWARDS EARL GRANVILLE.

This Indenture made the seventeenth day of September, in the eighteenth year of the reign of our sovereign lord George the Second, by the grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, &c., and in the year of our Lord one thousand seven hundred and fortyfour, between our said sovereign lord the King's most excellent Majesty of the one part, and the Right Honorable John Lord Carteret of the other part.

[For the recitals in this grant, see Act of Parliament for establishing an agreement with seven of the Lords Proprietors of Carolina, &c. Vol. 3, page 32.]

And whereas, by indenture tripartite bearing date the twenty-fifth day of July, in the year of our Lord one thousand seven hundred and twenty-nine, and made or mentioned to be made between our said sovereign lord the King, of the first part, and the said Edward Bertie, Samuel Horsey, Henry Smith and Alexius Clayton, by the names and additions of Edward Bertie, of Gray's Inn, in the county of Middlesex, Esquire, Samuel Horsey, of Mortlake, in the county of Surry, Esquire, Henry Smith, of Caversham, in the county of Oxon, Esquire, Alexius Clayton, of the Middle Temple, London, Esquire, of the second part, and the most noble Henry Duke of Beaufort, the honorable James Bertie, of the parish of Saint John the Evangelist, in the Liberty of Westminster, in

the county of Middlesex, Esquire, the honorable Doddington Greville, of Bulford, in the county of Wilts, Esquire, the said Doddington Greville and James Bertie being the surviving devisees named in the last will of the most noble Henry Duke of Beaufort, deceased, in trust for the said Henry, now Duke of Beaufort, and for the right honorable Charles Noel Somerset, Esquire, commonly called Lord Charles Noel Somerset his brother, an infant, the right honorable William Lord Craven, Joseph Blake, of the province of South Carolina, in America, Esquire, Archibald Hutcheson, of the Middle Temple, London, Esquire, John Cotton, of the Middle Temple, London, Esquire, Sir John Colleton, of Exmouth, in the county of Dover, Baronet, the honorable Henry Bertie, of Dorton, in the county of Bucks, Esquire, Mary Dawson, of the parish of Saint Andrew, Holborn, in the county of Middlesex, widow, and Elizabeth Moor, of London, widow, of the third part, reciting as therein is recited.

It is witnessed that they the said Edward Bertie, Samuel Horsey, Henry Smith and Alexius Clayton, for the consideration therein, pursuant to the directions in the said recited act of parliament, and the trust thereby in them reposed, did bargain, sell and surrender, and the said Henry Duke of Beaufort, William Lord Craven, James Bertie, Doddington Greville, Henry Bertie, Mary Dawson, Elizabeth Moor, Sir John Colleton party thereto, Archibald Hutcheson, John Cotton, and Joseph Blake, did ratify and confirm unto his Majesty, his heirs and successors, the said seven undivided eighth parts (the whole into eight equal parts to be divided) and all other the part or share, parts or shares, interests and estates in and by the recited act of parliament vested in them the said Edward Bertie, Samuel Horsey, Henry Smith and Alexius Clayton, (except as in the said act is excepted) of and in the aforesaid provinces or territories called Carolina, and of and in all and singular the royalties, franchises, lands, tenements, hereditaments and premises, in and by the said several recited letters patent or either of them granted or mentioned to be granted, with their and every of their rights, members and appurtenances, and all the estate, right, title, interest, trust, property, claim and demand whatsoever, of them the said Edward Bertie, Samuel Horsey, Henry Smith and Alexius Clayton, and of the said Henry Duke of Beaufort, James Bertie, Doddington Greville, William Lord Craven, Henry Bertie, Mary Dawson, Elizabeth Moor, Sir John Colleton party thereto, Archibald Hutcheson, John Cotton and Joseph Blake, every or any of them, of, in, and to the same. To hold the seven undivided eighth parts (the whole into eight equal parts to be divided) and all other the premises thereby bargained, sold and surrendered, with

their and every of their appurtenances (except as therein before excepted) unto the king's most excellent majesty, his heirs and successors.

And it is by the said indenture further witnessed, That for the further consideration therein mentioned, they the said Edward Bertie, Samuel Horsey, Henry Smith and Alexius Clayton, in pursuance of the trust in them reposed, in and by the said recited act of parliament, did grant, bargain, sell, assign, transfer and set over; and the said Henry Duke of Beaufort, William Lord Craven, James Bertie, Doddington Greville, Henry Bertie, Mary Dawson, Elizabeth Moor, Sir John Colleton party thereto, Archibald Hutcheson, John Cotton and Joseph Blake, did ratify and confirm unto his said majesty, his heirs and successors, the said seven eighth parts (the whole into eight equal parts to be divided) of all and every the arrears of the quit rents, sum and sums of money, debts, duties and demands whatsoever, which at the time of making the said act of parliament were due and owing to the said Henry Duke of Beaufort, or to the said James Bertie, and Doddington Greville, and to the said John Lord Carteret, William Lord Craven, James Bertie, Henry Bertie, Mary Dawson, Elizabeth Moor, Sir John Colleton party thereto, Archibald Hutcheson, John Cotton and Joseph Blake, and all the arrears, shares, sums of money and premises, in and by the said recited act vested or intended to be vested in them the said Edward Bertie, Samuel Horsey, Henry Smith and Alexius Clayton, in trust for the purposes aforesaid; and all the right, title, interest, trust, claim and demand whatsoever of them the said Edward Bertie, Samuel Horsey, Henry Smith and Alexius Clayton, and of them the said Henry Duke of Beaufort, James Bertie, Doddington Greville, William Lord Craven, Henry Bertie, Mary Dawson, Elizabeth Moor, Sir John Colleton party thereto, Archibald Hutcheson, John Cotton and Joseph Blake, every or any of them, of, in, and to the same. To hold, receive and enjoy the said arrears, sums of money and premises therein last before granted, bargained and sold and assigned unto his said majesty, his heirs and successors, to and for his and their own use and benefit as in and by the said recited indenture, relation thereunto being had, may more fully appear.

And whereas the said John Lord Carteret, by his humble petition, to his majesty in council, reciting the said several letters patent and act of parliament herein before recited, and that he is still entitled to one full undivided eighth part of the said province, and of all the premises granted by the said several letters patent, and also of the arrear of quit rents, and other duties, reckonings, claims and demands, hath humbly prayed his majesty that his said eighth part of the soil of the said provinces and territories, might be set out and allotted to him in such part of

the said provinces and territories as should be agreed on between such persons as his majesty shall be pleased to appoint for his majesty, and such persons as the said John Lord Carteret should name on his part. To have, hold and enjoy the same forever hereafter in severalty to the said John Lord Carteret, his heirs and assigns, together with all and every the same royalties, powers, liberties, franchises and privileges, (the government thereof and of the said province of Carolina only excepted) as far as concerns such eighth part to be so allotted to the said John Lord Carteret as he is entitled to under the said letters patent and act of parliament, in case such division or allotment was not or should not be made, and under the like quit rents proportionably, as is mentioned in the said letters patent according to the proportion or eighth part thereof; and thereupon the said John Lord Carteret humbly offered and proposed to surrender to his majesty, his heirs and successors, his share and interest of and in the government of the said provinces or territories, and to convey, release and confirm to his majesty, his heirs and successors, the other seven parts of the said provinces.

And whereas his present majesty was pleased to refer the said petition to the right honorable the lords of the committee of his majesty's most honorable privy council, for them to consider thereof, and report the same, with their opinion thereupon, to his majesty in council, and which said petition the said lords of the committee of his majesty's most honorable privy council, did refer to the right honorable the lords commissioners for trade and plantations for them to examine the same and consider thereof and report the same with their opinion thereupon to their lordships. And whereas the lords commissioners for trade and plantations having examined the said petition, and considered thereof, did, by their report to the said lords of the committee of his majesty's most honorable privy council, offer as their opinion, that it would be for his majesty's service that the said Lord Carteret's property should be separated from that of his majesty, wherein the said Lord Carteret should enjoy whatsoever he was entitled to by the charters of Carolina, and the aforesaid act of parliament; and for the better preventing any difficulties that might attend the setting out an eighth part of the soil of the said province, the said lords commissioners conceive the method proposed by the said Lord Carteret would be most effectual, which said report the said lords of the committee of his majesty's most honorable privy council having taken into their consideration, did agree in opinion with the said lords commissioners for trade and plantations. And whereas the said right honorable the lords of the committee of his majesty's most honorable privy council did on the twentyfourth of August, one thousand seven

hundred and fortytwo, make their report thereupon to his majesty, reciting as herein last before is recited; and that the said Lord Carteret's property should be separated from that of his majesty, and for that end the said committee humbly propose that the respective governors of South and North Carolina, or either of them, as his majesty should be pleased to direct, be ordered to nominate and appoint proper persons as commissioners on his majesty's behalf, not exceeding five, who in conjunction with a like number of persons to be appointed by the said Lord Carteret as commissioners on his behalf, should be empowered to set out and allot to the said Lord Carteret one full eighth part of the said provinces of Carolina, in such part or parts of the said provinces and territories as should be agreed on by the said commissioners so to be appointed as aforesaid; and that they should be required to make a return of their proceedings therein to his majesty in council, within eighteen months after the date of his majesty's order to be made upon the said report, and also to lay before his majesty a plan containing a full and exact description of the said lands, together with the respective boundaries thereof, in order to his majesty's signifying his royal pleasure (in case his majesty should approve thereof) for conveying the same to the said Lord Carteret in such manner as should be advised by his majesty's counsel learned in the law, provided the said Lord Carteret should at the same time make a surrender to his majesty of all his pretensions to the government of the said provinces of Carolina, and should convey, release, and confirm to his majesty, his heirs and successors the other seven parts of the said provinces: and for the better guidance of the commissioners so to be appointed on his majesty's behalf in the discharge of their duty therein, the said committee conceived, that it might be advisable for his majesty by his order in council, to require the said commissioners to follow and observe such directions and instructions as might be found necessary to be given from time to time, either by his majesty, or by those who act under his majesty's royal authority; and which said report his majesty in council was pleased to approve of.

And whereas his said majesty, by his order in council, bearing date the fifteenth day of September, in the year of our Lord one thousand seven hundred and fortytwo, reciting as herein last above is recited, and that his majesty in council was that day pleased to take the said petition into his royal consideration, together with the opinion of a committee of his privy council, and of the lords commissioners for trade and plantations thereupon, and was thereby pleased to order that the respective governors of the provinces of S. and N. Carolina, or either of them, as his majesty should thereafter be pleased to direct, should nominate and

appoint proper persons to be commissioners on his majesty's behalf, not exceeding five, who in conjunction with a like number of persons to be appointed by the said Lord Carteret as commissioners on his behalf, were thereby empowered to set out and allot to the said Lord Carteret one full eighth part of the said provinces of Carolina, in such part or parts of the said provinces and territories as should be agreed upon by the commissioners so to be appointed as aforesaid; and that the said commissioners should make a return of their proceedings herein to his majesty in council, within eighteen months from the date of the said order, and that they should at the same time transmit to his majesty a plan containing a full and exact description of the said lands, together with the respective boundaries thereof, in order to his majesty signifying his royal pleasure, (in case his majesty should approve thereof) for conveying the same to the said Lord Carteret in such manner as shall be advised by his majesty's counsel learned in the law, provided that the said Lord Carteret should at the same time make a surrender to his majesty of all his pretensions to the government of the said provinces of Carolina, and should convey, release and confirm to his majesty, his heirs and successors, the other seven parts of the said provinces as by the said petition and order, relation thereunto likewise being had, may more fully appear.

And whereas, commissioners were accordingly appointed on behalf of his majesty, and of the said John Lord Carteret, to set out and allot to the said John Lord Carteret one full eighth part of the said provinces of Carolina, who by their humble report to his majesty in council bearing date the sixth day of December, in the year of our Lord one thousand seven hundred and fortythree, did certify that in pursuance of his majesty's said order in council, dated the fifteenth day of September, one thousand seven hundred and fortytwo, and of his majesty's royal instructions thereupon, given the twentyfifth day of April, one thousand seven hundred and fortythree, they did immediately proceed to set out and allot to the said John Lord Carteret one full eighth part of the provinces of Carolina, in one entire separate district, in the province of North Carolina, next adjoining and contiguous to the province of Virginia, which eighth part is bounded to the north by the line that divides Carolina from Virginia, to the east, by the great western ocean, commonly so called, and as far southwardly as a cedar stake set upon the sea side, in the latitude of thirtyfive degrees and thirtyfour minutes at north latitude, being six miles and a half to the southward of Chickmacomack inlet, from that stake by a west line which passed twentyfive feet to the southward of the house wherein Thomas Wallis liveth, and so west as far as the bounds of the charter granted to the lords proprietors of Caro-

lina by his majesty King Charles the Second, which west line went one thousand six hundred and sixty poles to the north of the south end of Bath-Town, and the said commissioners did, pursuant to the said order in council, transmit to his majesty a plan containing a full and exact description of the said one eighth part of the said provinces or territories, so set out and allotted to the said John Lord Carteret, annexed to their said report, and all which boundaries are marked out and ascertained by the said plan, a true and exact copy whereof is stampt on the fifth skin of these presents; which said return of the said commissions his majesty was pleased by his order in council, bearing date the twentyfirst of March last, to refer to the said lords of the committee of his most honorable privy council, for them to consider thereof, and report their opinion thereupon to his majesty in council; and whereas the said right honorable the lords of the committee of his majesty's most honorable privy council for plantation affairs, did upon consideration thereof, by their report to his majesty in council, bearing date the ninth day of May last, reciting such orders, reports, and proceedings upon the said petition of the Lord Carteret as are herein before recited, agree humbly to report as their opinion, that his majesty might be pleased to approve of the said return and plan of the allotment thereby made to the said Lord Carteret, for his one eighth part of both the provinces of Carolina, and that thereupon it might be advisable for his majesty to order his attorney and solicitor general to prepare the necessary instruments or deeds, conformable to what is contained in the afore mentioned reports of the fifteenth of September, one thousand seven hundred and fortytwo, for conveying, releasing and confirming the said lands to the said Lord Carteret and his heirs, and likewise for the said Lord Carteret's surrendering up to his majesty all his pretensions to the government of the said provinces of Carolina, and for conveying, releasing, and confirming to his majesty, his heirs and successors, the other seven parts of the said provinces. And whereas on the said ninth of May last, his majesty in council, took the said report last above mentioned into considera"on, and was pleased with the advice of his privy council to approve thereof, and also, of the return and plan thereto affixed, and of the allotment of land thereby made to the said Lord Carteret for his one eighth part of the province of Carolina, and his majesty did thereby order that Mr Attorney and Mr Solicitor General do prepare such instruments or deeds as are proposed by the said report, as by the said orders and reports, relation being thereunto respectively had may more fully appear.

Now this indenture witnesseth, that for and in consideration of the said John Lord Carteret surrendering, releasing and confirming unto his said

majesty, all his estate, right, title and interest of, in and to the government of the said provinces of Carolina, and of, in and to the said seven eighth parts divided from the said one eighth part so allotted to the said John Lord Carteret as aforesaid, of and in the aforesaid provinces or territories called Carolina, and also for and in consideration of the said John Lord Carteret's granting and assigning unto his said present majesty all and every the arrears of quit rents and other sum or sums of money, debts, duties, accounts, reckonings, claims and demands whatsoever, which are now due and owing to his present majesty and to the said Lord Carteret from the farmers, tenants or inhabitants of the said seven eighth parts of the said provinces or territories, for the respective lands and tenements which are situate within, and part of the seventh eighth parts of the said provinces or territories as aforesaid, his said present majesty, of his especial grace, certain knowledge and mere motion, hath been graciously pleased to give and grant, ratify, release and confirm, and by these presents for himself, his heirs and successors, doth give and grant, release, ratify and confirm unto the said John Lord Carteret, his heirs and assigns forever, all that the said one eighth part of the said provinces and territories as the same is separated, set out and allotted to the said John Lord Carteret, by the said commissioners as aforesaid; and the reversion and reversions, remainder and remainders, yearly and other rents, issues and profits of, in and to, and out of the said one eighth part of the said provinces and territories and every part and parcel thereof, and also all the estate, right, title, interest, trust, property, right of action, right of entry, claim and demand whatsoever of his said present majesty of, in and to the same, every or any part or parcel thereof, together with all and singular the like, and as ample rights, privileges, royalties, liberties, immunities and franchises, of what kind soever, within the said one eighth part of the said provinces or territories so divided, set out, and allotted to the said John Lord Carteret as aforesaid, in as ample manner and form as the said John Lord Carteret, together with the said Henry Duke of Beaufort, William Lord Craven, James Bertie, Doddington Greville, Henry Bertie, Mary Dawson, Elizabeth Moor, Sir John Colleton, Archibald Hutcheson, John Cotton and Joseph Blake, any or either of them could have held, used or enjoyed the same by virtue of the said recited letters patent, or either of them, in case the said act of parliament and conveyances herein before recited had not been made, except nevertheless, out of this grant, the said powers of making laws, calling or holding of assemblies, erecting courts of justice, appointing judges or justices, pardoning criminals, creating or granting titles of honor, making ports or havens, taking customs or duties on goods laden or unladen, making and erecting counties,

forts, castles and cities, or furnishing them with habiliments of war, incorporating cities, boroughs, towns, villages or any other place or places, raising, employing or directing the militia, making war or executing martial law, exercising any of the royal rights of a country palatine, and of doing, using or exercising any other the prerogatives, pre-eminences, rights, jurisdictions and authorities of, belonging or relating to, the administration of the government of the said one eighth part of the said provinces. To have and to hold the said one eighth part of the said provinces and territories so divided, set out, and allotted to the said John Lord Carteret as aforesaid; and all other the royalties, franchises, powers, privileges, lands, tenements, hereditaments and premises hereby given, granted, released and confirmed, or intended so to be, with their and every of their appurtenances (except as before excepted) unto the said John Lord Carteret, his heirs and assigns, to the use and behoof of the said John Lord Carteret, his heirs and assigns forever; yielding and paying to his said majesty, his heirs and successors the annual rent of one pound thirteen shillings and four pence, payable at the feast of All Saints forever: And also one fourth part of all gold and silver ore, that shall be found within the said one eighth part of the said premises so separated as aforesaid.

And this indenture further witnesseth, that as well for the consideration aforesaid as for divers other good considerations thereunto especially moving, his said present majesty hath given, granted and assigned, and by these presents doth, for himself, his heirs and successors, give, grant and assign unto the said John Lord Carteret, his executors, administrators and assigns, all the arrears of quit rent, sum and sums of money, debts, duties, accounts, reckonings, claims and demands whatsoever, now due and owing to his said present majesty, and the said John Lord Carteret, or either of them, for or from the said one eighth part of the said provinces and territories so divided, set out, and allotted to the said John Lord Carteret as aforesaid; and all the right, title, interest, trust, property, benefit, advantage, claim and demand whatsoever, of his said present majesty, of, in, and to the same. To have, hold, receive and enjoy the same arrears, sums of money, and premises herein last before given, granted and assigned unto the said John Lord Carteret, his executors, administrators and assigns, to and for his and their own use and benefit.

Witnessed by the King, at Westminster, the day and year first above mentioned.

BY WRIT OF PRIVY SEAL.

[B. P. R. O. North Carolina. B. T. Vol. 11. B. 62.]

McCULLOH vs. GOVERNOR JOHNSTON AND THE SURVEYOR GENERAL.

THE MURRAY CRYMBLE AND JAMES HUEY GRANT.

Cape Fear, 6th July. 1744.

Sir, [Gov. Gab. Johnston]

I apprehend your Excellency has been apprised of Captain Rowans taking out an action against me for three thousand pounds Proclamation. Your Excellency perfectly well knows that the Survey was made by Captain Rowan without any orders from me, and contrary to the notice I had given your Excellency on that head; Therefore I hope your Excellency in this case, where you must be acquainted with the injustice of the prosecution will interpose and grant me such relief as I am entitled to; both by the laws of England and common justice. Captain Rowan by the return he has made of the Survey declares that those lands were surveyed by him for the use of Murray Crymble and James Huey, and by his letter to them (which I have now in my possession) dated the 19th of August 1738, writes to them that he will have nothing to do with me as paymaster, and he also incloses them an account sign'd by himself, in which he charges them with the Fees and all the other expences attending the said survey. Upon which I shall only beg leave to remark, that if I had, as Captain Rowan alledges, been the principle in this Grant, and that he had made the Survey at the request of the Trustees, He has no action of Law against me; But as the case stands that he had no order from Murray Crymble and James Huey, or from me, for the making the said Survey and that he has barred the Gentlemen concerned from one of the most essential priviledges granted them by His Majesty; in choosing in what proportions they would have the lands run out on Pedee, Cape Fear and Nues Rivers; I conceive rash as he is, he would never have taken out an action, without having an opinion, some act of power would be exercised against me; Captain Rowan has often made mention of the Contract that was depending, between Mr Dobbs and me; as to that affair I beg leave to assure your Excellency that I never sold Mr Dobbs any lands that was included in his Survey, but only a proportionable part of my right to such Lands as I was entitled to, by His Majesty's Order of Council.

Mr John Rice by his letter dated the 27th of November 1743. having advised me, that your Excellency had refused your testimonial to the

Papers, that your Excellency in Council, had ordered to be affixed under the seal of the Province & transmitted to me, And having lately found by the agreement entered into between Captain Rowan and Samuel Woodward (Copy of which you have underneath) that Samuel Woodward's name is only made use of as a Trustee, the money by the said writing not being applicable to his use or benefit; I apprehend I am under an indispensable necessity to apply to His Majesty for to grant me a Commission to examine evidences as it relates to the Surveys & other proceedings had in relation to his Majesty's Orders of Council dated in 1736 & 1737.

I am, Your Excellency's most, &c.,

HENRY M^{c}CULLOH.

Whereas His Excellency Gabriel Johnston Esq^{re} Governor of His Majesty's Province of North Carolina hath appointed me Surveyor General of the said Province I do hereby promise to be accountable upon demand for all the fees or profits that shall arise or become due on the return of Warrants and to pay to Captain Samuel Woodward of the said Province one moiety or half of said fees when I receive it and one half of the salary when received as witness my hand and seal this 4th day of March 173$\frac{7}{8}$ MATH: ROWAN (×)

Witness present

ATCHISON ROWAN

JOHN WHITE.

William Houston Surgeon & Apothecary living in New Hanover County in North Carolina maketh oath upon the Holy Evangelist that he is perfectly acquainted with the hand writing of Mathew Rowan Esq^{re} one of His Majesty's Council in this Province and late Surveyor General of His Majesty's Lands in this Province. And further that to the best of this deponent's knowledge and belief the above writing is a true and exact copy of an Instrument or agreement entered into the 4th of March 173$\frac{7}{8}$ between the said Mathew Rowan and Samuell Woodward late Collector of the Port of Brunswick. That this deponent has at present the aforesaid Instrument or agreement in writing between the said Mathew Rowan & Sam: Woodward in his possession & that he is not only fully acquainted with the hand writing of the said Math: Rowan but also with the hand writing of John White Bladen County one of the subscribing witnesses to the said recited agreement entered into between the said Mathew Rowan and Samuel Woodward.

Wilmington May 19th 1744. W^{m} HOUSTON.

William Houston who has signed the above writing appeared before me Rufus Warfden Notary Publick & Tabellion Lawfully admitted and sworn dwelling in the Town of Wilmington in North Carolina and made Oath on the Holy Evangelist to the truth of all that is contained in the above writing to which he the said William Houston has signed his name in Testimony Whereof I have affixed my seal of my Office this 19th day of May 1744.

RUFUS WARFDEN,
Not: Pub:

Witnesses present
GAB: DONALD.

[See North Carolina Council Journals of 16th November 1743.—EDITOR.]

To the Commissioners

MAY IT PLEASE YOUR LORDSHIPS [OF THE BOARD OF TRADE]

I humbly apprehend that from the several remarks, I have made upon His Majesty's Order of Council dated the 19th day of May 1737. It will appear evident to your Lordships that the Surveyor had no power to run out the lands therein directed, untill he had first obtained from the parties concerned notice in what place to begin the said survey and in what proportions the same was to be made; And that the unwarrantable steps that have been taken by the Governor and Surveyor is the only cause of delay that is given in the executing his Majesty's Orders; All the Gentlemen concern'd to my certain knowledge being extreamly anxious to forward the settlements of their lands agreable to their engagements with the Crown, and in order to facilitate the same they thought proper to order Murray Crymble and James Huey to vest the whole of the property in me, and afterwards took defeizances from me, to make the Associates out their proper shares in pursuance of what was then agreed amongst ourselves; But upon Captain Rowan's having surveyed the Lands contrary to the intention of the Gentlemen concerned several of the Gentlemen desisted from prosecuting the affair; And have not reimbursed me one farthing of the sums I advanced in order to forward the settlement; Captain forms his action against me upon this point; and would have me understood as the principal in the Grant; But if it really had been so (as I most solemnly declare I was not at the time His Majesty's Order of Council was made out) he has no action at Law against me, as the Survey made by him is in all respects inconsistent with His Majesty's Order in Council; then he has made the return of the Survey in the name of Murray Crymble and James Huey, and at the foot of the Plats returned by him declares he surveyed

the said lands for their use & account, and also having sent them an account sign'd of the charge of the Survey and by the letter conveying the said Account and Plats, and writes them that he will have nothing to do with me, but insists on them for payment; From all which I humbly conceive it appears evident that those acts of power and violence that are exercised against me at present, proceed from an opinion that as I have not been hitherto supported in the exercise of my duty, as Commissioner of the Quitt Rents that they may let loose their resentments upon me in what manner they please; as even to deprive me of my property and my freedom; The Laws of this Province have never as yet been properly established; And in too many instances actions at Law are determined by faction and prejudice; And from this consideration I have but a melancholy prospect; without your Lordships will be so good as to interpose in recommending me to His Majesty to grant a Commission to examine into the Governor's and Captain Rowan's proceedings in relation to His Majesty's Orders of Council dated in April 1736 and May 1737.

I am sensible that Commissions of this nature ought not to issue but upon extraordinary occasions; And I conceive there never was greater necessity for it than at present; I have transmitted to M^{r} Houson a Copy of the Agreement entered into between Captain Rowan and M^{r} Woodward, and sworn to by M^{r} William Houston, it appears by the said Agreement that Capt: Woodward was only a nominee for the Governor the consideration for which Rowan engaged to pay a moiety of his Salary and fees; being in consideration of his appointment as Surveyor General, and also that he might by that means induce the Governor to deliver him His Majesty's Order of Council; The uses always follows the consideration or value given and in this case it is the same as in a Bill of Exchange, where the value is said to be received of A and the Bill is made payable to B, tho B. receives the value it is always deemed and taken to be for the use of A. I have inclosed your Lordships a Copy of a letter to Governor Johnston giving him notice of my intention to apply to His Majesty for a Commission to examine evidences, as it relates to the proceedings had in relation to His Majesty's Orders of Council dated in 1736 and 1737. I have been informed lately Captain Rowan has preferred a writing to the Governor in Council,* in which he has treated me in a very indecent manner without his being able to produce one evidence to support his charge, Yet notwithstanding of this, the Governors partiality has been so great as to allow him the sanction

* [See Council Journals, A. D. 1744—Editor.]

of the seal of the Province to be affixed to the said writing, without their ever giving me notice of it; And altho' I have several times demanded a Copy of it since, under several pretences and delays, I have not been able to procure it; However I am satisfied as I am perfectly secure in my innocence and with great justice can defy them and all mankind to charge me justly with having acted anything contrary to my duty since the time I received the honour of His Majesty's Commission.

I am with great submission. May it please your Lordships

Your Lordships Most, &c.,

HENRY M°CULLOH.

Cape Fear 27th July 1744.

Observations in relation to His Majesty's Order of Council, dated the 19th of May 1737.

Most humbly submitted to the Right Honourable the Lords Commissioners for Trade and Plantations.

It is Humbly Conceived that the recital of your Lordships report in the said Order of Council makes it appear evident that the Petitioners only engaged to undertake the settlement of the Lands prayed for, upon condition that they should have the liberty of taking up one million two hundred thousand acres of land upon the heads of Pedee, Cape Fear, and Nues rivers, which liberty could only consist in their having a right to determine what proportion of land they would have (under the limitations herein after mentioned) upon the heads of those rivers respectively; And also in pointing out to the surveyor in what places the said surveys were to be made, and in what proportion the lines of the Survey were to be run within the bounds limitted in the said Order of Council. The constant practise of all Surveyors not only in this Province but in all His Majestie's other Provinces on the Continent of America, is to have notice from the parties in what place they are to begin the Survey of any Land, by virtue of warrants delivered to them; And in the present instance there is much stronger reasons for it; As it is made a condition not only in the Petition of Murray Crymble James Huey and their Associates, but also expressly directed by His Majesty's Order of Council; That the Parties shall be admitted to take up the said Lands subject to the limitations therein contained.

Murray Crymble James Huey and their Associates in their Petition, after first praying for the liberty of taking up the Lands, That is to say in pointing out where the Survey was to begin; in what proportion their separate shares were to be run out; And in what quantity the lands were

to be surveyed on Pedee, Cape Fear & Nues Rivers respectively; To remove all objections that might be made of having a design to run out the land in small Parcells; so as to take in the good land near the Settlements, and also that they might be confined in the choice that was to be made within proper districts; Humbly submitted it to His Majesty's Pleasure to determine; In what quantitys in one place the lands should be run out, or whether his Majesty's Governor should be at liberty to order the Lands to be surveyed in such districts or Townships as he should think meet for his Majesty's Service; Upon which his Majesty taking the same into his royal consideration was pleased to determine; That the parties should be allowed one million two hundred thousand acres of Land to be surveyed in twelve different Parcells of one hundred thousand acres each; And further that those twelve parcells should be laid out as contiguous as may be, but none of them to be at any greater distance than ten miles from some other of them;

By the aforegoing Article recited in His Majesty's Order of Council, it appears, that in running out the Lands the Parties were to be at Liberty to take them up in separate Parcells of one hundred thousand acres each, Provided that no Survey was at greater distance than ten miles from some or other of them, But Captain Rowan having obtained His Majesty's order of Council, by fraud, went hastily on the Survey without any orders from Murray Crymble & James Huey or any person authorized by them, and surveyed a million of acres in one district upon the Branches of Pedee and Wattree Rivers and insists contrary to common sense, and to the plain meaning and intents of His Majesty's order of Council, that as he has made several lines through the said Survey, that the Lands surveyed by him, is agreeable to the said Order, & is to be deemed and taken as ten different parcells of Land; Captain Rowan has also acted contrary to the above recited Article, in leaving a greater space than ten miles between the million of acres surveyed on Pedee and the Lands surveyed by him on the heads of Cape Fear and Nues Rivers.

By the next recited Article, His Majesty is pleased to direct, that the Lands shall be granted by the Governor to the Petitioners and their Associates in such Proportions as shall be required by them; but no Grant to contain less than twelve thousand acres. By which I humbly conceive it appears evident, that the Surveyor General had no right to make the Survey without first having notice from the parties; as in that case he could not make the return of the survey in such Proportions, nor in such Places as might be required by them; And in consequence the Grants could not issue in pursuance of his Survey; And it may be remarked further, that what Captain Rowan contends for is inconsistent

with the whole tenor of the order as it would barr the parties from one of the most essential Privileges, granted them by His Majtie's said Order of Council; in preventing them from having their Grants made out separate and independent of each other; And it would throw a power into the Surveyor's hands of exacting what Fees he pleased, or otherways of running out their lands in such manner that it would make it impracticable for the Petitioners to settle them; And in the present Instance, he has really done so; As he has taken into the Survey upon Pedee River near three hundred thousand acres of Land; which is claimed by the Catauboe Indians And which they will by no means permit any white Settlers thereon; without at least purchasing the same from them.

By the fourth Article recited in His Majesty's Order of Council, His Majesty is pleased to direct, that the Petitioners and their Associates do pay the usual fees for surveying, and passing the Grants of the said Tracts; It is conceived, that it appears evident from the above recited Article, that the Petitioners were only to pay the usual fees for surveying and passing the Grants of the Lands that were to be made out to them in separate divisions of twelve thousand acre Tracts, if they so required them; Therefore His Majesty's Order cannot be understood in the sense that Captain Rowan contends for it; Namely that he had a right to survey one million two hundred thousand acres of Land without any directions had from the Petitioners in what manner to run out their separate shares, and that they were afterwards at liberty to have a New Survey made, and to form it into as many divisions as they thought proper; Provided that no Grant issued for less than twelve thousand acres; upon which I beg leave to observe that this might be very prejudicial to the Gentlemen concerned, as it would lay them under a necessity to take up the Lands in their several divisions, within the Bounds that Captain Rowan described for them; altho at the same time no Grant could issue in pursuance to the return made upon said Survey; But a second Survey in this Case must be made, Plotting out their several divisions, which would put them to the same expense and subject them to the same fees as if no Survey had been made before;

Captain Rowan was only seventy eight days out in the Survey he has made, for which he demands no less a sum than one thousand five hundreds pounds Proclamation, if he had done his duty in waiting for proper Orders from the Petitioners and in plotting out the several divisions belonging to the Associates, he would have been intitled to near twelve hundred Pounds proclamation, (and he might have performed his duty in this respect in less than four months) and even in that case it

would have cost the Gentlemen near three thousand pounds more, to have run out small tracts of Land for such as were hereafter to settle under them.

It may be proper in this place to inform your Lordships, of the true cause of Captain Rowan's conduct. Mr Wardroper the late Surveyor died the beginning of 1737; and upon his demise Captain Rowan was appointed Surveyor by the Governor. When His Majesty's Order issued for taking up the Lands in question, it was thought advisable by all the Gentlemen concerned; that as there was a special direction, in His Majesty's order of Council to take care of the rights of such only who had Grants made out to them, previous to the Governor's being informed of His Majesty's intention in the said Order of Council; To advertise the Governor thereof, least the Gentlemen in this Province, and those that live upon the line of Virginia should follow the same methods that were practised in relation to the Township Lands in South Carolina; and take up several Tracts of the most valuable of the Lands described in the said Order of Council, and afterwards surprise the Governor into the issuing of Grants for the same, to the prejudice of the Gentlemen concerned; When the duplicate was sent to the Governor by me, I wrote him, that as soon as possible Murray Crymble and the rest of the Associates would fix a time for their meeting; and that they would then agree what proportion of Lands they would have run out upon Pedee and they would likewise distinguish to him what proportion they would have run out upon Cape Fear, and what proportion upon Nues Rivers; and further that they would let him know where their respective share were to lye; that the Surveys might be made agreable thereto, in pursuance of which the Grants were to issue; the Governor owns the receipt of this letter by his letter dated to me the 5th of October 1737. and says that he is sorry, I had tied up his hands in not sending the necessary Orders; In about five months after the first letter giving the Governor this notice, several of the Associates mett together & agreed, in what manner they would have their shares run out, and having appointed me Trustee for the whole, directed me to write to the Governor to order the Survey to be made in pursuance to what was then agreed to by the Associates, and accordingly I wrote the Governor and transmitted him an Account in what manner the Survey was to be made; But the Governor and Rowan being informed that a Surveyor was soon to be appointed from home, did not wait for the arrival of these orders but came to an agreement, that in consideration of Captain Rowan's paying into the hands of Samuel Woodward, half his Salary and half his fees as Surveyor that the Governor would deliver

him His Majesty's Order of Council and four days after the signing the said agreement, Captain Rowan set out on the said Survey, without having had any directions from the Petitioners or any person authorized by them, in what place to begin the Survey, or how much was to be run out upon each of the Rivers, nor in what proportions the said Surveys were to be made, so as that separate Grants might issue in pursuance thereof. And as has been observed above Captain Rowan run out one million of acres in one district upon the South Branches of Pedee and only one hundred thousand acres on Cape Fear, and one hundred thousand acres on Nues river; And returned all the Plats of the said Surveys in the name of Murray Crymble and James Huey, without taking notice of their Associates, and by a writing at the foot of the Plats to which he signs his name, he declares that he made the said Survey for the use of Murray Crymble and James Huey and for their Account; He also sends the said Gentlemen an account charging them with the fees and expenses attending the said Survey, and signs his name to it, and in the letter in which he conveys them the said account he writes them that he heard that Mr McCulloh was to become his paymaster, but that he would have nothing to do with the said Gentleman; but insisted upon their paying of him the said Fees; Yet what is still surprising he has taken out an action against me at Law for three thousand pounds Proclamation with a view only to distress me; and by acts of Power to compel me to condescend to anything they will please to direct; Most of the Gentlemen of this Province are of opinion that by acts of violence; I shall be obliged to comply with their terms; If His Majesty does not interpose in my behalf; And from this opinion prevailing I have not been able to give in Bail to Captain Rowan's suit; but have remained a prisoner since the beginning of June last.

In the fifth Article inserted in his Majesty's Order of Council; His Majesty is pleased to direct; that all the Grants be made by the Governor immediately upon the return of the Surveys to him, and that they do bear equal date with each other; This Article as well as the aforegoing fully proves that the intention of the said Order, was, that the Surveyor should have notice how to lay out the several divisions or shares of Murray Crymble James Huey and their Associates, or otherways upon the return of his Survey, the Grants could not issue, & bear equal dates with each other; And indeed in the manner that Captain Rowan would have it understood, no Grant could issue until there was a second Survey; therefore his first Survey neither could expediate the issue of the Grants, nor be of the least service to the parties concerned; In all Grants of this nature there is a reasonable time allowed for the parties

to consult proper measures for the executing of what they have engaged to perform. And in the present instance the Gentlemen concerned could not be deemed faulty in giving delay; as in less than eight months after the date of His Majesty's Order of Council; they gave the necessary directions in what manner the Survey was to be made, and not only so; but as soon as they had information of Captain Rowan's making the Survey, without their directions, they objected to the same, and ever since that time have by frequent application to the Governor, prayed the favour of him to allow His Majesty's Order of Council to operate, in the manner and agreable to the directions therein contained.

In the sixth Article His Majesty is pleased to direct that the commencement of the Quitt rents be computed from the expiration of ten years from the date of such Grants, while Quitt rents is to be four shillings Proclamation money for every hundred acres included in said Grant; As it has been observed I apprehend it would be extreamly faulty in the Gentlemen concerned, and in a more particular manner in me as an Associate; if any unnecessary delay had been given by the Parties concerned in the executing of His Maj^ties^ Order of Council; the Notice that was given to the Governor with proper directions, how to survey the said lands was transmitted in less than eight months after the date of His Majesty's Order, and upon the very first notice they had of Captain Rowans having made the Survey improperly; they objected to the same; and declared they would never assent thereto; The Governor in answer to this writes that since they were so highly offended thereat; That they might have a new Survey begun as soon as they pleased, and that he would stand to the loss of the former; And yet notwithstanding of this he has upon all occasions denied complying with what he had engaged to do. From all which it will appear evident, upon examination; that the delay that has been given proceeds wholly from the unwarrantable steps that have been taken by the Gov^r^ and Captain Rowan; In barring the Petitioners from their just rights: And in making a Survey contrary to the true intent and meaning of His Majesty's said Order of Council.

(Endorsed)

North Carolina

Observations in relation to His Majesty's Order of Council, dated the 19^th^ of May 1737. Most humbly submitted to the Right honorable the Lords Comm^rs^ for Trade and Plantations by Henry M^c^Culloh.

Rec^d^ with his letter to the Board dated the 27^th^ of July 1744.

[B. P. R. O. B. T. JOURNALS. VOL. 52. P. 87.]

BOARD OF TRADE JOURNALS.

Thursday July 5th 1744.

Present Lord Monson.
Col. Bladen. Mr Plumer.
Mr Keene.

The Secretary laid before the Board the Naval Officers Lists of ships entred and cleared at Port Bath in North Carolina for two Quarters viz: from Midsummer to Michalmas 1743 and from thence to the Christmas following.

[Page 131.]

Wednesday Novr 7th 1744.

Read a letter from the Duke of Newcastle dated Oct. 26th 1744 transmitting for the information and direction of the Board a printed copy of the Grant and Release from His Majesty under the great seal of this Kingdom of one eighth part of Carolina to the Lord Carteret (now Earl of Granville) as also of the surrender of seven eighth parts of Carolina from the Earl of Granville to His Majesty.

[Page 137.]

Wednesday Novr 21st 1744.

The Secretary laid before the Board the nineteen following copies of Orders in Council lately transmitted from the Council office and the Titles thereof were read, Vizt

* * * * * *

Order of Council dated 9th of May 1744 directing a Grant to pass the Great Seal of one Tract of Land on the North side of Carolina to the Lord Carteret in full for his eighth part of South and North Carolina.

Order of Council dated 19th of July 1744 for raising three Independent Companies in America for the defence of South Carolina and to be under the direction of the Governor and Council of that Province.

[FROM THE MSS. RECORDS OF NORTH CAROLINA COUNCIL JOURNALS.]

COUNCIL JOURNALS.

NORTH CAROLINA.

At a Council held at Bath Town 25th February 174$\frac{3}{4}$

Present His Excellency Gabriel Johnston Esqr Governor

The Honoble { Robert Halton, Eleazr Allen, Roger Moore, Cullen Pollock and William Forbes } Esqrs Members of His Majestys Council

Read the following Petitions for Patents Viz^{t}

Seth Pilkenton 640 acres Beaufort County, Tarlbe O'Quinn 640 Edgecombe, Richard Deerman 500 Craven, Nath^{l} Macon 100 N. Hanover, John Miller 400 D^{o}, John Richardson 200 Onslow, John Plowman White 452 Craven, John Herring 300 D^{o}, John Echolls 100 Beaufort, John Hanning 177 Craven, Robert Halton Esq^{r} 640 N. Hanover, William Carruthers 200 Beaufort, Josias Jones 100 D^{o}, Jonathan Bangs 48 Carteret, Richard Alligood 100 Beaufort. Granted

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At a Council held at Bath Town 28th February 174$\frac{3}{4}$

Present His Excellency Gabriel Johnston Esq Gov. &c

The Honoble { Eleazer Allen, Math Rowan, Roger Moore } and { Cullen Pollock, William Forbes } Esq^{rs} Members of His Majesties Council

Joseph Anderson Esq^{r} His Majesties Attorney General Exhibited Articles of Complaint against Isaac Buck Esq^{r} One of His Majesties Justices of the Peace for Beaufort County which was read and the said Buck Ordered to attend together with the Evidences therein named on Monday next

Read the following Petitions for Patents Viz^{t}

David Pursley 320 N. Hanover, Joseph Holloway 200 Hyde, Charles Goom 600 Craven, Jas M^{c}Kelwean 200 D^{o}, John M^{c}Keel 200 Beaufort, Griffeth Floyd 600 Beaufort, William Stafford 100 D^{o}, Abraham Duncan 300 D^{o}, Richard Warner 100 D^{o}, William Braswell 500 Edgecombe, Samuel Williams 260 D^{o}, John Smith 300 Beaufort, James McKelwean 200 Craven. Granted

At a Council held at Bath Town 29th February 1743. [1744]

Present His Excellency the Governor

The Honoble { Eleazar Allen, Mat. Rowan, Roger Moore } and { Cullen Pollock, William Forbes } Esq^{rs} Members of His Majesties Council

M^{r} Richard Lovit Exhibited before this Board a Complaint against His Majesties Justices of the County Court of Craven in these words Viz^{t}

To His Excellency the Governor in Council.

The Humble Petition of Richard Lovett Sheweth.

That Your Petitioner upon some causes of Consequence was obliged to give his Attendance at Last Circuit Court held at Cape Fear which happened at the same time that the County Court of Craven was held, where your Petitioner was concerned in several Causes. That before he

went to Cape Fear applyed himself to two or three of the Magistrates of the said Court and acquainted them of the Obligation he was under to give his attendance at said Court and especially at that time withal intreating them that if any of your Petitioners Actions were called they would be so kind to Post pone them until the next Court which they promised to do. And further Your Petitioner setts forth that he also wrote a Letter to M^r^ Wirriot Ormond and therein enclosed a Docket of all his Causes with Instructions to him to appear and do what was necessary therein, but contrary to your Petitioners expectations M^r^ Ormond was Interrupted by sickness so could not attend.

That the Clerk of the Court to whom your Petitioner delivered the said Letter and Docket seeing M^r^ Ormond did not come, applyed himself to the Court in your Petitioners behalf and Read said Letter and Docket to them but the Court Rejected the same, and upon motion of William Herritage Attorney The Court agreed to the Dismission of all your Petitioners Causes wherein he was concerned for the Petitioners except one, in which M^r^ Ormond was concerned with your Petitioner which they likewise would have dismissed but the Pl^t^ in Person coming into Court, and upon his making Oath that M^r^ Ormond was Employed also, they continued the Same.

That since the Dismission of said Suites Your Petitioner was informed by the present Deputy Sheriff that he had Received Executions from the Clerk against the several Persons whose Suites were dismissed for the several Fees.

That in none of your Pet^rs^ causes there was issues save in one, but the Def^ts^ in some were to plead and others the Common Order so that the continuance of them was only agreeable to Practice, and therefore could not be any delay or Injury to either Party.

That some time before that at a former Court your Pet^r^ was concerned in a cause, Lingfield at the suite of Hands; and Doctor John Bryan being one of the Sureties for said Hands, your Pet^r^ happened in the time of the Court to be seized with a most violent fit of a Fever, was obliged to withdraw himself from the Court, untill the said Fit was over, which upon application to the Court your Pet^r^ had Leave, but no sooner had your Pet^r^ so withdrawn himself but M^r^ Herritage and said Bryan moved the Court that the Tryall of said Cause might come on, to which they accordingly agreed to and without giving your Pet^r^ the Least Notice, called the Pl^t^, and Entered a *Non pross* against him, Notwithstanding that John Powell Gen^t^ one of the Justices who happened in the Room where your Pet^r^ was sick, and gave your Pet^r^ his hand that no business of his should be done.

That your Pet^{r} humbly apprehends all the said proceedings of the said Court Arbitrary and Illegal and contrary to the known practice of the several Courts in this Province, and was done with no other view than to detract and Injure your Pet^{r} in his Business and Character as an Attorney, Defeat your Pet^{rs} Clyents of a fair and just Tryall, put your Pet^{r} to the Loss of his Fees and double Damages in each Cause.

All which Allegations your Pet^{r} will maintain and Prove as your Hon^{rs} shall [think] fit.

May it therefore please your Excellency and your Hon^{rs} to take your Pet^{rs} case into consideration and give your Petitioner such Relief as your Hon^{rs} in your Wisdom shall think proper

And he will Pray &c. RICH^{d} LOVITT.

The said Justices being called M^{r} Powell one of the said Justices duly appeared Whereupon M^{r} Lovett produced a Docquet of the Business set forth in his Complaint attested by the Clerks of said County Court who being present was sworn and examined thereon, and the said Powell fully heard in his Defence touching the said Complaint against him, and the rest of the Justices, And it appearing That the said John Powell together with John Bryan and John Carruthers had acted with great Partiality on the seat of Justice. It is thereupon considered and Ordered that the said John Powell, John Bryan and William Carruthers be and each of them are hereby Ordered to be struck out of the Commission of the Peace for the said County of Craven.

At a Council held at Bath Town 1st of March 1743. [1744] Present as before.

Read the following Petitions for Patents Viz^{t}

Samuel Slade 200 acres Beaufort County, John Williams 254 Craven, William Bush 200 D^{o}, Thomas Kearsey 400 Edgecombe, William Johnson 640 D^{o}, Robert Walker 250 N. Hanover, Benjamin Williams 150 Craven, John Fonville 200 D^{o}, John Scellars 400 D^{o}, Thomas M^{c}Clendon 200 D^{o}, William Whitehead 100 Edgecombe, William Newens 300 Craven, Isaac Dickinson 200 Edgecombe. Granted

Read the Petition of Samuel Hargrove Shewing that he obtained at Last July Court of Claims a Grant for Lands in Edgcombe County the Warrant for said Land being in the name of Benjamin Hargrove, Brother to the Pet^{r} who since the Return of said Warrant is Dead, and the said Samuel as Heir at Law to the Deceased had the same Granted to him in his Name, but by some mistake in making out the Patent for the same, the name of Richard was inserted in the room of Samuel, Praying the same may be altered &c

Ordered that the said Patent be altered in Council agreeable to the Prayer of the said Petition which was accordingly done. The word Richard being Erased and the word Samuel written in the room thereof.

At a Council held at Bath Town 5th March 1743 [1744] Present as before.

Eleazer Allen Esqr His Majesties Receiver General of this Province Exhibited a Memorial to his Excellency in Council setting forth That he hath for several years past met with great difficulties and obstructions in the Collection of His Majesties Quit Rents throughout this Province which he apprehends arises from these two Causes

First. The want of Currency in the Southern parts, or some sufficient Portable Medium to Enable the Inhabitants to discharge their Rents. But chiefly

Secondly. A Law passed in the year 1715 and still subsisting whereby all Goods taken into Execution or in distress for Quit Rents are directed to be valued by Four Freeholders upon Oath, and the Creditor obliged to take the said Goods in full satisfaction for his Debt at such Value and dispose of them as he can, to which Law he humbly begs leave to Refer as he apprehends it will more fully convince His Excellency and the Honoble Council that the said Law seems to be calculated to obstruct the Receipts of His Majestys Revenue arising by the Quit Rents, and Render all Process for the Recovery of the same useless

And he further begs Leave to Represent that as to the Inhabitants of the more Northern parts of the Province and Particularly of Albemarle County (formerly so called) have almost universally refused the Payment of their Quit Rents from the time of His Majestys Repeal of the Late Quit Rent Law was published here whereby a very Large Arrear is now become due to the Crown, alledging among other things, that as by the said Quit rent Law they were allowed the Payment of their Quit rents in Gold and silver at Proclamation Standard. And that as His Majesty had not signified in the Repeal of the said Law that the Quit Rents should be paid and Received in another manner, They Apprehend they were at Liberty still to Tender their Quit rents to His Majestys Receiver in Proclamation money. In which manner of Payment he hath been often solicited to receive the same and to give Proper Discharges from them but refused as being dubious how far it was consistant with his Office so to do, since His Majesty had in his Wisdom thought fit to Repeal the said Law

He therefore begs Leave to make his application to His Excellency in Council for his Assistance and advice in the Premises To the End that

so large an arrear of His Majesties Revenue may no Longer remain unsatisfied and several Officers on the Royal Establishment for this Province may be paid their several Proportions of the same.

His Excellency was thereupon Pleased to Lay the same before the Board for their Advice and Opinion of the Matter; Who on duly weighing and considering . . . . the said Memorial, are unanimously of Opinion that the Receiver General may and ought to receive all Quit Rents and Arrears of Quit rents now due to His Majesty in Proclamation Money at Proclamation Standard

Whereupon His Excellency the Governor having taken the advice and Opinion of the Board thereon is also of opinion that the said Eleazor Allen His Majesty's Receiver General may and ought forthwith to Receive all Quit rents and Arrears of Quit Rents now due to His Majesty within this Province in Gold and Silver at Proclamation Standard and give Receipts for the same accordingly

Read the following Petitions for Patents Viz^{t}

John Wilkins 100 acres Pequimons County, D^{o} 200 Chowan, John Williamson 300 Bladen, Richard Horne 640 Edgecombe, Thomas Cunningham 200 N. Hanover, George Gould Esq^{r} 430 Bertie. Granted

Read the Petitions of Julius Cæsar Parke and Mary Gale in these Words Viz^{t}

North Carolina.

To His Excellency Gabriel Johnston Esq^{r} His Majesty's Capt General, Governour and Commander in Chief in and over His Majesty's Province of North Carolina and Vice Admiral of the same.

The Petition of Julius Cæsar Parke and Mary Gale Most humbly sheweth

That one William Reed late of Pasquotank County deceased was seized in his Demesne as of Fee of a certain tract of Land lying in the said County containing by Estimation Eight Hundred and Fifty Acres, And Dyed so seized of the said Lands together with several Negroes and Stocks of Horses, Sheep, Cattle and Hoggs and Utensalls for Husbandry.

That after the decease of the said William Elizabeth his Widow did take out Letters of Administration of all and singular the Goods and Chattles and Credits of the said William Reed, soon after which the said Elizabeth Widow of the said William Reed did demise and to Farm Let for and during the Term of seven years the said Plantation Tract or Parcel of Land with six of the said Negroes, and all the stock and utensells for Husbandry on the said Plantation to one James Briggs

Planter for the consideration of Two hundred Pounds the first year and Three hundred Pounds for each and every year after during the said Term to be paid in Current money of the said Province or Produce of the Plantation as by the Lease dated the first day of January 1739 ready by your Petitioners to be produced to your Excellency and the Council may fully Appear by Virtue of which said Lease the said James Briggs Entered on the Premises and was thereof possessed and afterwards (to wit) on the 25th day of December 1740 by his assignment of that Date did assign the said Lease to your Petr Mary Gale, as by the said Assignment ready to be Produced may appear, by virtue of which the said Mary Entered upon and was Peaceably possessed of the Premises, after which the said Elizabeth Widow of the said William Reed having Intermarryd with one McRora Scarbrough the said McRora (as your Petrs have great Reason to believe) wanting to dispossess your Petr Mary Gale of her said Lease, gave Leases of several parcells of said Lands to other Persons, whereas your Petr expressly charges the same to be included in his Lease to Plant and keep Stock thereon, to eat up the herbage and mast, to Harras your Petr Mary Gale, and render the said Lease of little or no Use to your Petr the greatest advantage arising to your Petr by the said Lease being by raising of Stocks, and your Petr being a Widow and unacquainted with the Laws, and not careing to enter into contest at Law with the said Macrora Scarbrough (being one of the Two Assistant Judges of the General Court, and of great interest with the Gentlemen of the Law) Your Petr for Quietness sake sake assigned her Term yet to come of the said Lease to your other Petr Julius Cæsar Parke, who was thereof Quietly possessed: Now so it is, May it Please your Excellency your Petr dwelling with the said Julius Cæsar Parke on the said Plantation, and that notwithstanding the said McRora Scarbrough had in Order to deter the said James Briggs from assigning his lease to the said Mary Gale obliged him to give his Bond in the penalty of one Thousand Pounds that the Covenants in his said Lease should be fully and faithfully performed and fulfilled and had (after the said Mary had assigned her Term yet to come in the said Land to Julius Cæsar Parke) accepted the said Julius Cæsar for his Tenant in and of the said Lands by receiving of him part of the rents due for the same as may appear by the said McRoras receipt to the said Julius Cæsar Parke for the same ready to be Produced by the said Julius Cæsar Parke your other Petr the said McRora taking advantage of the absence of your Petr Julius Cæsar, came on the said Lands with one Thomas Hunter the other of His Majesty's Assistant Judges of the General Court and also High Sheriff of the County of Pasquotank, and seized Three Slaves belonging

to your Petitioner Mary Gale (the said Mary not being there present) and carryed them away tho' the said Mary before they had carryed the said Slaves out of said Plantation sent and informed them that the said Julius Cæsar Parke had measured out a Parcell of Corn and laid it by in reserve to pay the Rent due for the said Land and had directed her to Tender the same in payment if the said M°Rora should in his absence call for the Rent and desired the said Scarbrough would come and receive the same and discharge the Negroes the rent being payable in the produce of the Plantation which he absolutely refused to do but carry'd away your Pet^rs Negroes, on which your Pet^r Mary Gale followed them the said M°Rora and Thomas Hunter to the House of the said Hunter and applyed to him as Assistant Judge of the General Court (the Chief Justice being at Cape Fear) for a Writ of Replevin to Replevy the said Negroes and tendered undeniable Security for producing thereof but the said Hunter refused to Grant it, saying he was a party in the cause, and immediately thereon (as the said Mary believes to terrify her from seeking to Recover her Negroes) took her [in] Custody on a *Ne exeat Provinciam* and Committed the said Mary to the Common Goal 'till she should give security in the sum of Three Thousand Pounds not to depart the Province tho' the said Mary had never given out or designed to leave the same, And the said M°Rora Scarbrough and Col° Thomas Hunter as your Pet^rs were Informed and verily believes returned to the said Leased Farm very late in the night of the same day to seize or carry off other of the Negroe Slaves belonging either to your Pet^r Julius Cæsar Parke or to your Pet^r Mary Gale but were prevented (as your Pet^r were Informed and believes) by the overseer and Slaves hiding themselves, and the said Mary having suffered great hardships in her confinement, and being under great Difficulties no Person careing to be her Security in so large a Sum as was required to be given by the Writ aforesaid fearing (as she verily believes) to be concerned any way in her behalf against her Powerful Adversaries Your Pet^r Mary Gale got away from Samuel Heigh Deputy Sheriff to the said Col° Thomas Hunter in Order to get up to Edenton to apply to your Excellency for Redress and to her Friends to get Security and the said Thomas Hunter as she heard by General Report and believes, further to intimidate such Persons as might Probably (offer to be her Security) endeavoured to Raise the *Corpus Comitatus* against your Pet^r as a Person that stood out in Contempt of Authority and the Laws, but your Pet^r having got to Edenton and prevailed with Abraham Blackhall and William Luton Esq^rs obtained her Liberty and Procured a Writ of Replevin Signed by John Montgomery Esq^r His Majesties Chief Justice of this Province directed to the said

Thomas Hunter Sheriff of the County of Pasquotank to Replevy the said Negroes but the said Sheriff hath not yet returned the said Negroes to your Petr nor made (as she is Informed) any return of the said Writ, but your Petr is informed the said Colo Thomas Hunter together with the said McRora Scarbrough before her procuring the said Writ got some mean and poor persons to appraise the said Negroes at a small sum of Money very much short of their true worth and that the said McRora Scarbrough Claims the Right and Property of the said Negroes, and kept them in his Possession by Virtue of that appraisement for the Rent supposed to be due

Wherefore your Petrs humbly Prays That Your Excellency and Honors will take the Premises into consideration and afford your Petrs such Relief as to your Great Wisdom shall seem meet: And in the meantime Dissolve the Writ of *Ne Exeat* aforesaid in behalf of your Petr Mary Gale in as much as she hath no manner of concern with the Term yet to come in the said Lands, And on the part of your other Petr Julius Cæsar Parke in as much as he is a Person of Interest having a Settled Freehold in the said Province, many Large Debts and other Personal Estate in the same, it is highly absurd that he would carry out of the Country the Slaves from the said Farm or Plantation, such an Act being Felony by the Laws of the Province and the said McRora Scarbrough having already taken sufficient Security from the said Briggs as before mentioned that the Covenants in the said Lease shall be truly performed and fulfilled, and hath not made Oath that the said Julius Cæsar Parke was indebted to him And Your Petrs as in Duty bound shall ever pray &c

JULIUS CÆSAR PARKE
MARY GALE.

Ordered That the said Scarbrough and Hunter be Summoned to appear and answer the said Petition on Wednesday next.

Read the Petition of William Martin which is Delayed 'till the return of John Jordan's Survey is filed in the Office.

At a Council held at Bath Town 6th March 1743 [1744]

Present His Excellency the Governor.

The Honoble { Eleazer Allen, Mat. Rowan, Roger Moore, Cullen Pollock and William Forbes } Esqrs Members of His Majesties Council

On hearing this Day the Article of Complaint Exhibited by His Majesties Attorney General against Isaac Buck Esqr for divers Misdemeanors by him Committed in the Execution of His Office as a Justice of the Peace for the County of Beaufort, And the Attorney General

in Order to support the said Charge called several Evidences to prove the several Articles complained of who being severally sworn and Interrogated, and the said Buck heard in his defence—His Excellency was thereupon pleased to ask the Opinion of His Majestys Council thereon Who were unanimously of Opinion that the said Articles nor any of them against the said Isaac Buck are Proved, and that it appeared to them that the said Buck was unjustly complained of

Whereupon His Excellency the Gov^{r} Declared in Council that the Evidences produced and Sworn against the said Isaac Buck were not sufficient to prove the Articles of Complaint against him, And thereupon the said Complaint is Dismissed

At a Council held at Bath Towne 7th March 1743 [1744]

Present His Excellency the Governor

The Honoble	Nathaniel Rice	Roger Moore	Esq^{rs} Members of His Majestys Council
	Eleazer Allen	Cullen Pollock	
	Mat Rowan	William Forbes	

This day was Read again the Petition of Julius Cæsar Parke and Mary Gale, and the Parties thereto called and heard by their Council, And on hearing the same His Excellency the Governor, with the advice of His Majesty's Council dissolved the Writ of *Ne Exeat Provinciam*, And on a full hearing of the other matters contained in the said Petition, The Pet^{rs} not making proof thereof, the said Petition is dismissed.

At a Council held at Bath Towne 8th March 1743 [1744]

Present His Excellency the Governor

The Honoble	Nathaniel Rice	Roger Moore	Esq^{rs} Members of His Majesty's Council
	Eleazer Allen	Cullen Pollock	
	Mat Rowan	William Forbes	

His Excellency the Governor by and with the Advice of His Majestys Council was pleased to Order a New Commission of the Peace to issue for New Hanover County constituting and appointing Nathaniel Rice, Robert Halton, Eleazer Allen, Mathew Rowan, Edward Moseley, Roger Moore, William Forbes, Edward Hyrne, James Innis, John Swann, William Farris, Robert Walker, Thomas Clark, James Hasle, William Muklerey, William M^{c}Koy, George Moore, John Daniel, Charles Harrison Esq^{rs} Justices of the Peace for and within the said County.

His Excellency the Governor was Pleased also (with the Advice of His Majesty's Council) to Order a New Commission of the Peace to issue for Bladen County constituting and appointing Mathew Rowan, Griffith Jones, Daniel M^{c}Neil, James Lyon, William Bartram, Samuel Barker, Hector M^{c}Alester, Thomas Brown, Benjamin Fitz Randolph, Samuel Goodman, John Brooks and Ralph Miller Esq^{rs} Justices of the Peace for and within the said County

Read the following Petitions for Patents Viz^{t}

William Chavers 400 Edgecombe, George Norris 640 Craven, John Carroway 200 D^{o}, William Brice, 200 D^{o}, John Cheeny 200 D^{o}, John Smith 400 D^{o}, Robert Henry 320 N. Hanover, James Henry 320 D^{o}, Caleb Howell 200 Beaufort, Andrew Wallace 200 N. Hanover, John Simpson 480 Carteret, James Wright 200 Onslow, Ephriam Vernor 400 Bladen, Alexander Canaday 640 Bertie, James Atkins 100 Onslow, John Rackley 200 Bertie, Henry Morrice 200 N. Hanover, William Thomas 150 D^{o}, John Keen 100 N. Hanover, Thomas Kennon 270 D^{o}, John Lennon 640 Bladen, James Wantland 150 Onslow, Robert West 330 Bertie, Elias Stallings 600 D^{o}, Joshua Worley, 150 Tyrrell, Ralph Mason 300 Edgecombe. Granted

At a Council held at Bath Towne 9th March 1743. [1744]

Present His Excellency the Governor

The Honoble { Nathaniel Rice, Eleazer Allen, Roger Moore, Cullen Pollock and William Forbes } Esq^{rs} Members of His Majestys Council

Read the following Petitions for Patents Viz^{t}

Edward Poor 200 Edgecombe, William Lithgow 640 N. Hanover. Granted.

Mathew Rowan Esq^{r} now appeared at this Board and Exhibited his Answer to the Representation of Henry M^{c}Cullock Esq^{r} setting forth That before this Respondant answers the Particular Charges laid against him in the Representation of Mr Henry M^{c}Cullock presented to your Excellency at the last Meeting of the Council, he begs leave to lay down his Majesties Order of Council Dated the 29th day of April 1736 which (being the Foundation of Mr M^{c}Cullocks charge) shall also be the Foundation of his Defence, And this Respondant would have been much troubled at so great a Charge against him, was he not concious that he has not swerved from his Duty, as Surveyor General, and was he not well perswaded that Mr M^{c}Cullock was induced by other motives than those set forth in his Representation, to bring such a charge against him, which this Respondant doubts not to make appear fully to your Excellency's satisfaction and his Conviction

By His Majesties Order, as set forth by Mr M^{c}Culloh, the Surveyor General of North Carolina or his Deputy is directed to Lay out and Admeasure Seventy two Thousand Acres of Land upon the North East Branch of Cape Fear River from the second high Bluff upwards towards the Point of Trent River on the East side, and on the West towards the Head of Black River, And further directs that the Lands shall be laid out within the Limits described in the said Order.

Now the Charge against this Respondent is, that he has begun the Survey at a different Place from that mentioned in the Order, and at a great distance from it, and that he has not taken in the amount of four Thousand Acres of the Lands described in the said Order. This is the Charge, a very heavy one it is, if true.

In Answer to this, this Respondent begs that your Excellency will observe, that his Majestys Order refers to a Petition of Mr M°Collohs, in which Petition the Lands are described to be scituated upon the North East Branch of Cape Fear River, from the second high Bluff upwards or thereabouts; Now Mr M°Culloh artfully left out the word thereabouts, because he well knew, that the Survey would appear at first sight to be within the very words of the Order if that word appeared. And as to the second high Bluff he doth not know that any Particular Place at that Time was called by that name

And this Respondant conceives that he was not obliged by his Majestys Order to run the said Lands on both sides of the North East River, but so that he kept within the Limits described in the Petition, and strictly followed your Excellencys Directions, he did his Duty; And your Excellency (if you will be pleased to look over the Plan of the said Lands) will be convinced that the whole Survey is within the Limits described in the Complainants Petition: by which your Excellency may see how little Regard the Complainant has to Truth, when he has so soundly asserts, that this Respondant hath not taken in four Thousand Acres of the Land described in the said Order in the whole Survey.

But to convince your Excellency that Mr M°Culloh had no Grounds for Complaining, this Respondant begs Leave to give his Reasons for surveying the Lands in the mannor he did

Before the Warrant for Surveying the Lands was delivered to this Respondant, Richard Evans, by your Excellency's Order had Surveyed about twenty two thousand Acres of Land on the West side of the North East River, and when the Warrant was delivered to this Respondant by your Excellency You at the same time desired him to go out upon the survey himself and directed him to run out Fifty Thousand Acres of Land, to compleat the Complement of Seventy two Thousand Acres, between the Lands Surveyed by Richard Evans, and Black River, and join the same to the Lands already Surveyed by Richard Evans, and extend the same to Black River, so as to take in a Parcel of Land at a place called Fort neck, and that this Respondant might not mistake the Place, William Lewis and William Gray were sent by your Excellency to shew this Respondant where to begin and when this Respond-

ant went out to run the said Lands, he was told that at a Place called Soracte (which he now imagines is the Place called the second high Place in the Petition) there were ten Houses built there (by your Excellency's Orders) by John Pidcock, William Lewis and John Porter, so had good Reason to believe the Lands on that side were taken up by your Excellency, and upon that account, and because your Excellency had given him such Particular Directions to run the Lands as above mentioned he did not take in any Lands on that side of the River; Neither could he go higher on the West side of the River because Lands joyning Mr McCullohs Survey on that side, were then laid out for Reece Evans. So that had the Beginning of this Survey been wrong this Respondant is not answerable for it, being done by another Person by your Excellency's Order.

The conclusion of the first Paragraph of the Representation, would have very much surprized this Respondant had it come from any other man, for Mr McCulloh knows that he never desired nor intended that any of those Lands should be Extended upwards on the North East River, he himself having directed this Respondant (tho' his Directions did not come to Hand till long after the Survey was made) to Survey an hundred Thousand Acres of Land (Part of a Large Tract of Land Granted by His Majesty to Murray Crymble, James Huey and others which Lands were taken in their Names, But for Mr McCulloh's Use) on the said River; not above three miles from what he supposes, Mr McCulloh calls the second high Bluff, which if he will venture to deny, this Respondant is ready to prove, As the next Paragraph no way concerns this Respondant, he shall not take notice of it

The two next Paragraphs contain the Complainant great care and charge in Procuring foreign Protestants to Settle those Lands, and the great and unwarrantable injury done to him by this Respondant in taking into this Survey other Lands, which your Excellency had Ordered to be surveyed for him.

The first Instance of his care and Trouble was that he transported into this Province by one Capt Ure One hundred and fifty three Persons; not to insist upon those Persons being Irish not foreign Protestants, as the Complainant would insinuate, the Fact is not true, as your Excellency well knows, and this Respondant is ready to prove; for of the One hundred and fifty three Persons, which came over in that Ship, not above forty were sent in by the Complainant, and but about thirty settled on the Land, all the rest being free Passangers, who came here by chance and were Bound to South Carolina as by their Articles with Capt Ure, ready to be Produced and other Testimony will appear, were pre-

vailed upon to continue in this Province by the liberal Promises made to them by your Excellency, which they acknowledge are punctually performed and were settled above and contiguous to Evans' Survey by your Excellencys particular directions, So that what Credit the Complainant deserves from your Excellency when he has given so Notorious a Falsity, in so publick a manner under his Hand and that with a manifest Intent to impose upon your Excellency, this Respondant leaves to your Excellencys Consideration.

As for the Swiss 'tis true that in the Winter 1736 He did import from South Carolina thirty nine Persons and settled them on those Lands; But 'tis as true, he used them so ill and had so little Regard to his contract with them, that they have left the Land.

But as to the great Injury done by this Respondant to the Complainant, in taking in four Thousand Acres of Land Surveyed for him by Your Excellency's Order and Golden Grove in the Year 1735 This Respondant avers, that, tho' he was Surveyor General, he never heard of any such Survey, nor was there nor is there any Warrant for such a Survey in any Office. And if the Case is so tho' the Complainant is at a Loss, your Excellency will be at none to Judge by what Authority this Respondant took in those Lands into the Survey he made on Black River

In the next Paragraph, the Complainant appeals to your Excellency, whether he did not, soon after the Grant and Plot were transmitted to him, Object both to the Survey and Grant as issued and he did not, since his Arrival in this Province apply upon several Occasions to your Excellency, to have a new Grant made out agreeable to the Terms and Conditions contained in His Majesty's said Order of Council.

That the Complainant not only acquiesed but was satisfied with the Survey is manifest, not only in that during so many years after the Survey that he lived in Europe, but after his arrival in this Province he never Complained of the Survey till he was sued by this Respondant for his Fees due to him so many years; and also by a Letter wrote by him to this Respondant from London December 22^{d} 1738, ready to be Produced, wherein he says that he thought Your Excellency had paid for the Survey, and that he had then wrote to your Excellency to pay it.

And as a further proof of the Complainants Acceptance of those Lands, the Complainant has not only settled several Families on the Lands (tho' most of them have been since forced off by his ill usage) but has also mortgaged those very Lands in Europe which this Respondant can prove.

If the Grant is not made out agreeable to the Terms in the said Order; that no way concerns this Respondant. But your Excellency will observe that he says that he applied upon several Occasions for a new Grant, but does not pretend to say he desired a new Survey, for the conditions in the Grant displeased him (as he explained it in a foregoing Paragraph) not the Survey which was to his Advantage and agreeable to his Desire

This Respondant hath he hopes answered all the Facts charged in Mr M^{c}Culloh's Representation against him in Relation to the Lands lying between the North East and Black Rivers, to your Excellency's Satisfaction He shall beg Leave to make a few Observations upon the several Parts of his Representation, by which it will appear to your Excellency that the Motives which induced him to make this complaint were not that he thought himself injured, but that he intended to injure this Respondant, and several other Persons to defraud his Majesty of his Quit rents, and hinder the taking up of his Lands.

Your Excellency well knows that you always directed Mr M^{c}Culloh's Affairs in this Province as to those Lands Granted by His Majesty, and that by your particular Directions those Lands were laid out in the manner above said, Your Excellency also knows that by Mr M^{c}Cullohs particular direction one hundred Thousand Acres of Land were to be laid out upon the Head of the North East River as hath been already shewn. It is then to be supposed that this Respondant (who so carefully followed such Directions) intended to injure him, does it not rather manifestly appear, that this Respondant, by going out upon the Survey himself, and running the Lands according to your Excellency's Order intended to do, and realy did the complainant all the Service was consistent with his Duty

For, had he not intended to serve him, he would not have resigned his own Health by lying so long in the Woods and exposing himself to the various Changes of the Weather as he was not obliged to do, but have sent a Deputy as he has always done as all other Surveyors General have done for others.

And if there was anything unwarrantable in this Respondants Proceedings (as he presumes there is not, the whole Survey being made within the Limits contained in His Majestys Order and your Excellency's Particular Directions) the Complainant, above all others, has no Right to complain for whose Interest those Proceedings were had, and who was the Director of them, and so long acquiesced under them.

Secondly. It should be observed how little Regard M^{r} M^{c}Culloh has to His Majesty's Interest, for tho' by his office he is obliged to promote

that by all Just and Lawfull means, Yet his Interest has so much the Ascendant of his Duty that he has made it his constant Practice to deter People from taking up his Majesty's Lands, and endeavored to frighten others from their Settlements, tho' several years in Possession, by laying claim to all the Lands for twenty miles above what really belongs to him, threatening Immediate Ruin to any Person who shall be so Presumptious as to look at any Lands he has an Inclination to.

Among many Instances the claim he lays to the four thousand Acres of Land at the Golden Grove is one, for surely he that by his Office ought to take care that no other Person should Incroach upon the King, would not set such ill Example, by laying Claim to any Lands, which were never Surveyed for him for which he never had a Warrant, had his Majesties Interest the least Room in his Heart.

Another Instance of his Sincere Attachment to His Majesty's Interest is the Caveat he has entered against the issuing Grants to twenty seven Persons, who have the misfortune to Live upon Land which he likes. He knows he has got his full Complement of Land, and would never try to distress poor Industrious people, who are desirous of becoming the Kings Tenants, but to force them to purchase Lands from him, that he may comply with the Conditions of his Grant, in settling such a number of Persons on those Lands which he has no Prospect of doing otherwise.

Thirdly. It should be observed how ready M^{r} M^{c}Culloh was to Impose upon his Majesty by Asserting that the Lands Petitioned for, are some hundred miles from the seat of Government.

Tis true the said Lands are a considerable distance from Edenton, not some hundred miles, but your Excellency well knows, that the Lands between the North East and Black river are within the Heart of the Settlements and upon the River which has the greatest Trade in this Province and not far from Navigation, and that a great Part of them would have been settled long since, had not M^{r} M^{c}Cullock by his Misrepresentation gained a Grant of them

By all which Facts and observations, it plainly appears that M^{r} M^{c}Cullock's sole aim in endeavouring to gain a new Grant, was to injure this Respondant and Several others and defraud his Majesty of His Quit Rents and hinder the taking up of his Lands

For if your Excellency should Judge the Survey void and Order a New Survey to be made and thereon Grant a new Patent to M^{r} M^{c}Culloh he would be in Hopes that as your Excellency had Judged that he had not done his Duty in the Survey, so the Jury that are to try the Issue in the Suite brought by this Respondant against M^{r} M^{c}Culloh for his

Fees for the said Survey, would judge he deserved none and give a verdict accordingly

He would be in hopes that your Excellency would Order Several Parcels of Land Granted to other Persons and several other Parcels, which are settled, Surveyed and Petitioned for by several Industrious People to be taken into his Survey, by which means the Poor People, who have been at great Expence and Labour in improving their Lands rather than quit their Improvements, would agree to his Terms and so there would be so many Persons settled to secure his Lands which would be so great an oppression, that your Excellency will never consent to it.

He would be in Hopes that as he should have a new Survey, so he should have a new Patent; and that to bear date from the time of the issuing of it. By which he would gain so many Years Quit Rents from the King and have so much longer Time to settle the Lands according to his Grant.

How M^{r} M^{c}Culloh can reconcile such Actings to his Conscience this Respondant is at a Loss to think; but as he is satisfied that he hath done his Duty, both as Surveyor General to the King, and as a Friend to M^{r} M^{c}Culloh, he doubts not, but your Excellency (who knows most of the Facts of your own Knowledge, and by whose Particular direction the survey was made) will acquit him of the unjust and ungrateful charge brought against him and Judge the Survey agreeable to his Majesties Orders.

I am Your Excellency's most obedient Servant

Which was Read and also the Answer of the said Rowans to the Representation of the said M^{c}Culloh in behalf of Murray Crymble, James Huey and their Associates in these words Viz^{t}

To His Excellency Gabriel Johnston Esq^{r} Gov^{r} of North Carolina

The Answer of Mathew Rowan Late Survey. General to the Representation of Henry M^{c}Culloh

May it Please Your Excellency.

Mr Henry M^{c}Culloh sets forth, That His Majesty by his Order in Council bearing date the 19th Day of May 1737, Ordered and Directed that the said Murray Crymble, James Huey and their Associates shall be allowed one million two hundred thousand Acres of Land to be surveyed upon the Heads of Pee Dee, Cape Fear and Neus Rivers, and that when the Surveys were returned, that the Governour do grant the same to the Petitioners and their Associates, in such Proportions as shall be required by them, but no Grants to contain less than twelve thousand Acres.

If any Man who is a Stranger to Mr M°Culloh, should read his Representation to your Excellency on the above Order, he would Immediately conclude, that the Surveyor General had done them Gentlemen a great Injury, by running the Lands by them Petitioned for contrary to the said Order and their Intentions. But when Mr M°Culloh's whole conduct in this Affair is unravelled, and the Surveyor General's set in a true Light, it will appear to every man, as clear as the sun at noon day, That Mr M°Culloh has no regard to Truth in anything he says or does; and this Respondant, tho' he knows Mr M°Culloh so well, cannot help being surprized at his great Assurance in endeavouring to Impose Facts on your Excellency which he must and does know to be false; but this Respondant is well pleased that he has thereby an Opportunity to Justify himself to the World.

In the first Paragraph of the Representation of Mr M°Culloh to your Excellency he accuses this Respondant for making any Survey, without being first directed by the parties concerned in what Proportion and in whose names, the Surveys and Plots were to be returned and what Proportion of Lands were to be Surveyed upon the Heads of those Rivers respectively

The Second Paragraph contains what he calls the Practice of the Surveyors of the American Provinces on such occasions, and in a clause in a Law of this Province directing their Method to used in Surveying Lands under certain Penalties

Now if it appears to your Excellency that this Respondant was directed by the only Party concerned, when, where and how to Survey the said Lands before he entered on the said Survey that he Returned the Surveys and Plots in their names, in whose Names only he could justify, returning them and run those Lands out in such Proportions on the Heads of those Rivers as only could be done agreeable to His Majesty's said Order of Council, then this Complaint will appear to be only groundless Noise and Clamour.

To Set this Matter in a clear Light Your Excellency will be pleased to Observe how artfully Mr M°Culloh has changed the Order, For the Order is, That the Surveyor General or his Deputy Sheriff shall lay out and Survey the said one million two hundred thousand Acres of Land upon the Heads of the Pee Dee, Cape Fear and Neus Rivers, in twelve different Parcels of one hundred thousand each; that those twelve Parcels be laid out as contiguous as may be, but none of them to be at a greater Distance than ten miles from some of them, that those twelve Parcels so surveyed be Granted by the Governour to the Petitioners and their Associates in such Proportions as shall be required by them but no Grant to contain less than twelve thousand Acres &c

By the Order as set forth by Mr M°Cullock it is and may be implied that the Surveyor General ought to have Surveyed those Lands in such Proportions as the Petitioners should direct; but by His Majesty's Order it is quite otherwise for the Surveyor General was Ordered to Lay out the said Lands into twelve Parcels of one hundred thousand Acres each, and then the said twelve Parcels being so Surveyed (observe the words) your Excellency was to grant to the Petitioners in such Proportion as they desired, not less than twelve thousand in one Grant, so that the Surveyor General was tyed up to the Number of Acres in each Parcel, not left at Liberty to follow the Directions of the Petitioners. Tis true the Petitioners were at Liberty to take up the whole in what Quantity they Pleased so that no Parcel was under twelve thousand Acres; but that was another Service, left to the Surveyor Generals ordinary Business, which he was not obliged to do without a Particular Request from the Petitioners, and without he was paid particularly for doing it.

This Respondent having cleared his way by laying his Majesties Order before your Excellency as it realy is proceeds to answer M^r M°Culloh's Complaint

Tho' the Petition to His Majesty was in the Names of Murray Crymble, James Huey and others, and his Majesties Order accordingly, yet those Gentlemen Acted only for M^r M°Culloh, and were to have a certain Proportion of Land for their Trouble they paying a proportionable Part of the Fees and Charges to M^r M°Culloh. This plainly appears to your Excellency by M^r M°Cullock's Letter to your Excellency and also by a Letter from Murray Crymble to this Respondant from London the 18^th of January 1738, Ready to be Produced. And as a further confirmation that this is the Truth of the Case, M^r M°Culloh has mortgaged Eight Hundred and fifty thousand acres of the said Lands to Arthur Dobbs of the Kingdom of Ireland Esq^r a Copy of which Mortgage this Respondant can Produce, when your Excellency can command the same.

Now as the Kings Order was in the Names of those Gentlemen it was necessary in Order to Enable M^r M°Culloh to transact this Affair, that they should convey the said Lands to him which they accordingly did. When the said Conveyance was perfected, and the whole affair was in M^r M°Culloh's Hands, he then by his Letter to your Excellency to whose care it was committed, Directed the Survey to be made, and your Excellency delivered the Warrant to this Respondant, and Ordered him to Survey the said Lands, and that M^r M°Culloh's Interest might be taken care of, and the Survey made with the greatest Diligence and Exactness, desired this Respondant to go out himself, and to Search well for good

Lands, and Especially the forks of Pedee River, and to run out as far as to the Westward, as he could find Lands convenient and promised him that he should be well Paid for his Trouble in finding out the said Lands, over and above his Fee and Charges, This Respondant to serve Mr McCullock went out accordingly. That this is true your Excellency well knows, and will do me the Justice to acknowledge so that as this Respondant had Directions from your Excellency under whose care it was for Mr McCulloh, he may venture to say he had Directions from the Party solely concerned.

But that this Respondant was to take any Directions from any Person in whose Names to Return the Surveys and Plots this Respondant utterly denies; for as he had the Kings Warrant he could return the Surveys and Plots only in the Names of those Persons named in the said Warrant.

As to the Proportion of the Lands to be surveyed upon the Heads of those Rivers respectively, this Respondant conceives he was not obliged to have any Regard to any Private agreement made between those Gentlemen (if there was any such) if the said Agreement was contrary to his Majestys Instructions which this Respondant was obliged to obey. And it will appear by comparing the Survey with the Warrant, that this Respondant has punctually followed his Majesty's Orders, and Your Excellencys Directions; for he has Surveyed one million two hundred thousand Acres of Land as near the Heads of the said Rivers as he could find Lands Plantable and convenient in Seperate Tracts of One Hundred thousand Acres each and in less Quantities he could not return them; and none of them are at a greater Distance from some of them than ten miles except one, which could not be brought nearer than it is because the Property of other Persons intervened, which His Majesty had taken special care of.

The two next Paragraphs contain a formall story of Mr McCullohs, for the Truth of which we must rely on that Gentleman's own Integrity: a Specimen of which he gives in the two next Paragraphs where he roundly asserts, that this Respondent went hastily upon the Survey without any Directions from any Person authorized, which Your Excellency knows to be wide from the Truth, as this Respondent hath already shewed, and in the next Place he says (which is much to be doubted) that he was credibly informed that this Respondent, and Capt Woodward being apprehensive that a Survey would soon be appointed from home prevailed at last with Your Excellency to deliver them his Majesty's said Order of Council, as a matter properly belonging to them, and to be in their Custody.

Whether at Capt Woodwards request Your Excellency was prevailed with to deliver His Majestys Order of Council to this Respondent, he knows not, but has Reason to believe the Contrary, Capt Woodward having assured him he never spoke to Your Excellency about it; for his own Part he doth aver that he did not know that the said Order was in the Province nor did he ever ask for it, but it was shewn and delivered to him at the same time at his own House by Your Excellency which Your Excellency will, I doubt not, acknowledge.

In the next Paragraph, Mr M°Culloh accuses this Respondant of Preventing the Execution of His Majesty's said Order of Council by making the Survey without Directions as above said, and also by entering a Caveat to the great Loss and Damage of the Gentlemen concerned.

The first Part this Respondant hath already answered, and as to the Caveat surely he had a Right to enter it, if he had good Reason for it, and he thinks he is warranted therein by his Majesty's said Order in Council, wherein tis laid down as one Part of the Condition of Granting the said Lands; that the Petitioners &c. Do pay the usual Fees for Surveying and passing the said Grants of the said Tracts. And if those Gentlemen have any Loss and Damage, it is wholly owing to Mr M°Culloh who has not taken one step toward obtaining Grants from the said Lands, and who will not pay the Fees and Charges, without which he cannot expect Grants.

In the last Paragraph, Mr M°Culloh (out of his great concern for the Interest of Murray Crymble, James Huey and their Associates whose Agent he pretends to be, and hopes he has made your Excellency believe he is so) Humbly insists that your Excellency will allow and Direct that His Majestys said Order of Council shall operate in the Manner and upon the terms and Directions therein contained; and for his own Justification, You will allow him to offer such Evidence, as may be necessary to support the Allegations in his Representation, and Order the Proceedings in Relation to this Affair to be entered at Large by the Secretary, and a Copy of them delivered to him under the great Seal of this Province, that the Gentlemen concerned may not be barred from taking such Measures, as may be necessary to Support their claim at this Juncture

His Prayer to your Excellency this Respondant will not oppose, Provided he pays the Fees and Charges, as he ought to do, And this Respondent joyns with him in his Petition that the Proceedings may be entered at Large, not only that those Gentlemen may have Justice done them, but also that his Majesty may see how his gracious Bounty is abused, and this Province injured by the ill use Mr M°Culloh has made, and still makes the Trust reposed in him.

And this Respondant will be glad to see the Evidence which Mr McCulloh intends to offer, because he doubts not, but that very Evidence, (if any thing to the Purpose) will convince Your Excellency and the whole world of Mr McCulloh's Insincerity, and that this Respondant has in every Respect done his duty.

Before this Respondant concludes he begs Leave to make a few remarks on Mr McCulloh's Petition to His Majesty and his Representation to your Excellency

One Reason to Induce his Majesty to Grant the Lands Petitioned for was that it would be of great Service to this Province to make a Settlement in that Part of it not only as it would be a Security to them from the Excursions of the Indians but also as it would be any Encouragement to the Settling those vast Tracts of Land lying between the Lands taken up and the Settlements and also a means of increasing the Trade of this Province and His Majesty's Rents.

Those Reasons this Respondant allows to be good and the Design might have been answered, had Mr McCulloh Performed his Part, but he had no such view, for he had no Intent to go so far back as those Lands are Surveyed; One great Complaint of his being that they are laid out too near the Cutauboes, as this Respondent can Prove, and those Lands being Surveyed serve Mr McCulloh for Pretence to keep all Persons from Running out Lands between them and the Settlements, for if they desire any of those Lands already Surveyed, he says they are his and if they would have of the Lands nearer the Settlement, he says they ought to be surveyed for him, and that he will get them taken into his survey, so that all that great and fine Part of this Province must remain uncultivated and consequently Trade and his Majesty's Rents unimproved, till Mr McCulloh Pleases to take out his Grants, for which he is in no haste.

Tis true those Lands are at a distance from Edenton, but at no considerable distance from Cape Fear where the greatest Trade of this Province is carried on, and tis well known to your Excellency that had those Lands been free for any Person to take up, a great Part of them had been settled before this Day; for not to mention every particular Person Your Excellency knows, that one Colo Simmons of Virginia offered, if those Lands were declared Vacant, so that he might take part of them up to settle three hundred Persons on them in one year and to pay Quit Rents yearly from the Date of the Grant, From hence it appears that the Frontiers are not Secured, The Trade and Quit Rents not increased, but on the contrary, both are extreamly Injured by the taking up vast Tracts of Land, which has hindred many Persons from taking them who would have Improved the trade the trade and increased the Quit Rents.

Your Excellency will observe that Mr M°Culloh mentions a Private Agreement, made between Murray Crymble, James Huey and their Associates, where and in what manner those Lands should be run and that he gave your Excellency notice thereof as he was Trustee for them

Your Excellency (who knows that Mr M°Culloh was the real Proprietor of those Lands, and that those Gentlemen were no further concerned than as they were to have one hundred thousand Acres each for their care, Paying to Mr M°Culloh, a Proportionable Part of the Fees and Charges, and that their names were made use of to serve Mr M°Culloh) will naturally Judge that the Agreement mentioned by him was a Scheme of his own for running out of the said Lands, as he thought he could best make a Penny of them. And to put this out of all Doubt this Respondent must put your Excellency in mind of the Map of this Province sent over to this Respondent by Mr M°Culloh whereon he describes the Places where he would have them Lands run by Lines drawn up on said Map; which Map did not come to this Respondants hands till the Survey was finished, but had the Lands been run according to that Scheme, many Families that were then Settled and pay his Majestys Quit rents must have left their Settlements, and gone to some other Colony to seek Habitation, or which is worse have submitted to such Terms as Mr M°Cullock would have been pleased to have given them.

And those are the Directions which Mr M°Culloh means in his Representations, for this Respondent never heard of any other

How can Mr M°Culloh (who by his Office is obliged to take care that his Majesty is not Injured in his Revenues, and ought to see that all Persons who run out Lands by Warrants from the King or Your Excellency should take out their Grants in due Time, that his Majesty's Quit Rents may be paid) Delay so many years to take Grants for those Lands, by which, if Mr M°Culloh's Grants are to be dated from the Time of their issuing; and not from the Return of the Survey His Majesty will be defrauded of ten thousand Pounds Sterling of his Quit Rents, and can ill Example be shewn to others to do the like

It may be observed those Lands were to be Surveyed in twelve Parcels, not less than One hundred thousand Acres each, but the Petitioners had a Right to have the said Parcels so Surveyed, Granted to them in any Proportion, so that no Grant contained less than twelve thousand Acres; but then all Grants ought to be made Immediately upon Return of the Surveys and to bear Equal Date with each other, which Implys that they ought to have applied immediately after the Return of the Survey for their Grants otherwise it could not be presumed your Excellency could know in what Proportion they desired them.

This Respondent cannot help taking notice how Mr M°Culloh having in the year 1735 taken up some large Tracts of Land to the Amount of fifty four thousand Acres, in the names of Divers Persons then and now unknown, and the same Lands being immediately chargeable with His Majesty's Quit Rents, be sold Part of them to some Gentlemen in Ireland who were his Particular acquaintance, and depended on his Friendship and Integrity, for some thousand of Pounds Sterling upon the great assurance he gave them that the Lands were exceedingly Rich, and upon navigable Rivers; but the Purchasers were miserably disappointed, the Lands he sold them being mostly broken and at a Considerable Distance from Navigation

But to make them some amends for so gross an Imposition, or for some other Reason best known to himself (tho' by his Office of Inspector General of His Majesty's Rents and Revenues, he is obliged to take care that His Majesty is not defrauded) he has connived at the Purchasers Paying no Quit Rents, for none of them (Except Arthur Dobbs of the Kingdom of Ireland Esq^{r} who purchased six thousand Acres of them Lands and has constantly Paid His Majesty's Rents for the same) have ever paid one shilling to His Majesty for the Rents of their Lands; neither has he himself paid Rents for the Lands he holds Waste in his hands, and which are likely to be Waste to the great Detriment of this Province, till he can find some intimate Friends to purchase them. Nor can the Receiver General remedy this Evil there being no Distress to be found on the said Lands, and the Persons in whose Names they are taken up, not being in the Province. And after this even while he was soliciting an Imployment under the Crown, he exposes those Lands mentioned in his Majestys Order of Council to Sale in all Parts of Europe, Promising Golden Showers to the Purchasers and actually sold Part of them, but failed of selling more, most people looking upon it as a Bubble, because they had heard how he had used his Particular Friends before.

I must observe that the exposing those Lands to Sale in so open a manner was not only an abuse of his Majesty's most gracious Bounty, but a very great Injury to this Province, for People, suspecting that some Fraud was intended by such large Encomiums and Promises, would not purchase; So that instead of sending over great Numbers of foreign Protestants to settle those Lands as was expected, People who were Realy desirous of Settling in this Province were deterred from coming over (Especially after they heard how Grosely M^{r} M°Culloh had imposed on those for whom he Professed a strict Friendship, by which means those Lands lie Wast, to the great Loss of His Majesty and this Province.

And this Respondent had good Reason to believe that those Lands will never [be] settled, till they are declared free for any Person to take up.

Had not Mr M°Culloh some secret Reason to Displeased, which he does not care to avow he would not cavil at a Million of Acres being surveyed on Pe Dee and the Branches thereof, not in one Tract (as he has set forth) but in ten Tracts distinguished by Metes and Bounds; for this Respondant surveyed those Lands on that River because he was directed by your Excellency to take them up as far the Westward as he could and that was the most Western of the three Rivers in his Majesty's said Order; But to avoid paying the Fees and Charges for which he expects to be sued, and to gain a Longer Time for settling the Lands, which he has now no Prospect of doing and that he may have some Excuse for not Paying His Majesty's Rents according to contract, he would lay hold on any Expedient, which he thinks will serve his Purpose.

But as Your Excellency knows that this Respondent has strictly pursued His Majesty's Orders and Your Excellency's Directions, and has surveyed and returned the Lands in His Majesty's said Order of Council near six Years, he doubts not but that Your Excellency will oblige Mr M°Culloh to pay this Respondent his just fees and Charges, and take out his Grants for the said Lands, and that His Majesty may not be defrauded of his Rents, and that the Grants may bear Date for the Return of the Survey. And also that this Province may no longer suffer by retarding the further Settling thereof

This Respondent begs Leave to conclude with putting your Excellency in mind of the great Charge he was at in hiring people to go with him to search for and survey those Lands and in Providing necessaries for them and Horses to carry them, And the great many Hardships and Difficulties he went thro', not only occasioned by the various Changes of the weather, the many great Swamps he crossed, but also for the want of Provisions being reduced to a great scarcity of Victuals, and no Liquor before he could regain the Settlements.

I am May it Please Your Excellency

Your Excellencys Most Humble and Most Obedient Servt

MAT: ROWAN.

Mr Rowan thereupon moved that he might have a Copy of the said Mr M°Culloh's Representations, And his answer thereto under the Seal of the Colony duly attested which was Accordingly Ordered.

Robert Halton, Mathew Rowan, William and George Gould Esqrs Four of the Five Commissrs appointed by His Excellency the Governor for and in behalf of His Majesty for allotting and setting out in Conjunction with the like Number appointed by the Rt Honoble John Lord

Carteret, One full and Entire part of the Province of Carolina, now Exhibited their Several Accounts of Expences attending this Service putting in Execution His Majesty's said Orders which were as follows.

ROBERT HALTON ESQ^{r} HIS ACCO^{t}

To 21 days wages at 20^{s} ℔ day	£21	—	—
To 21 days expenses & Servt^{s}	10.	10	—
To paid on account Chain Carriers	—	4.	7½
	£31.	14.	7½

MAT^{w} ROWAN ESQ^{r} HIS ACCO^{t}

To 21 days wages at 20^{s} ℔ day	£21	—	—
To 21 days expences & Serv^{ts}	10	10	—
To paid on Acco^{t} of Chain Carriers	—	4	7½
	£31.	14.	7½

WILLIAM FORBES ESQ^{r} HIS ACCO^{t}

To 21 Days Wages at 20^{s} per day	£21	—	—
To 21 Days Expences and Servants	10.	10	—
To paid on Acco^{t} of Chain Carriers	—	4.	7½
	£31.	14.	7½

GEORGE GOULD ESQ^{r} HIS ACCO^{t}

To 3 days Expences at Edenton	£ 1.	10	—
To 16 days Wages for a Servant	1.	12	—
To 14 days Wages for myself	14.	—	—
To hire of a Vessell and Expences at the Bank	9.	1.	4
To Bills paid man & Wallis in the Voyage	1.	8.	—
To 22 Days Wages on the Line	22.	—	—
To 22 Days Expences	11.	—	—
To money paid Chain Carriers as ℔ Re^{t}	4.	16	—
To money p^{d} Duncan for maintaining Chain Carriers	1.	13.	1½
	£67.	—	5½

C^{r}

By 5 Gall^{s} of Rum left at the Store	£ 2	—	—
By 2 Loaves of Sugar	2	—	—
	£ 4	—	—
Ball^{a} due to G. Gould	63	—	5½
	£67	—	5½

His Excellency the Governor was thereupon pleased to Lay the same before the Board for their approbation and Allowance. Who having examined the several Articles contained in their Respective Acc^{ot} find the same to be agreeable to the Order of this Board of the — November last for Settling the Wages and Expences of the said Commissioners during the said Service in Carrying His Majesty's said Orders into Execution which being done as they apprehend agreeable to His Majestys Royal Instructions and attended with no small fatigue and difficulty. The Board were thereon of Opinion that the said Acco^{ts} are very Just and Reasonable

Wherefore His Excellency the Governor in Pursuance of His Majesty's Royal Order and Instruction was pleased to Order a Warrant to be directed to Eleazer Allen Esq^{r} His Majestys Rec^{r} General or the Rec^{r} General for the time being of this Province to be signed by His Excellency and the Council for paying the said Commissioners the sum of one hundred and Fifty eight Pounds four shillings and four pence Sterling being the amount of their several Acco^{ts} as above

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At a Council held at Newbern, 4 July 1744

Present His Excellency the Governor

The Honoble { Robert Halton, Edward Moseley, Mathew Rowan, Roger Moore } Esq^{rs} Members of Council

His Excellency acquainting the Council that he had Convened them at this time to take their Advice how to put His Majesty's Province into the best posture of Defence on the Late Declaration of War made by His Majesty against France

The Council were of Opinion That it would be proper to Issue Writs for Electing Members of Assembly, to sit at such time and place as his Excellency shall judge convenient

That as Cape Fear River is most likely of any Place in this Province to be attacked by the Enemy. That His Excellency would be pleased to appoint Proper Persons to view Cape Fear River and to discover the most convenient places to Erect Fortifications and Batterys for the defence of that river And that the same be Erected and built with all convenient expedition

That his Excellency be desired to use his Interest to have Cannon and Warlike Stores to be sent from Britain for such Forts and Batteries. And that in the mean time his Excellency would be pleased to use his Interest with the Governour of South Carolina that Cannon may be had from thence for the said Forts and Batteries

Whereupon his Excellency was pleased to declare in Council that he would Issue Writs for Electing Members of Assembly to be chosen the 24th day of August next Ensuing to meet at Newbern the most Central Town in the Province.

His Excellency was also pleased to appoint the Members of His Majesty's Council, or the Major Part of them to view the most convenient places on Cape Fear River for Erecting Fortifications and Batteries for the Defence of that River and to build or cause the same to be built in the most Expeditious and frugal manner.

It is further Ordered by his Excellency That the Major part of the Members of His Majesty's Council, residing at and near Cape Fear River shall have Power, and they are hereby Impowered by his Excellency in Council to take all proper Methods for the Defence and Security of those Parts of his Majestys Province when the Governour shall be absent therefrom; they giving the most early accounts to his Excellency of all their Proceedings, and that this Order shall have Retrospect to such steps as have been already taken for the Defence and Security of those parts. This Order being absolutely necessary for the Security of those defenceless Parts of this his Majestys Province

His Excellency John Tinker Esqr His Majesty's Governor of the Bahama Islands having made application to His Excellency the Governour of this Province for leave to Raise forty Men in this Province for the better Defence of the Bahama Islands,

His Excellency was Pleased to declare in Council that he hath given Leave, And he doth hereby give Leave to the Agents of his Excellency John Tinker Esqr to Raise for His Majestys Service forty men (not being Masters of families) in any Part of this Province to the Norward of Onslow.

Read the following Petitions for

Edward Griffith 4000 acres Bladen, Do 4000 Do, Nathaniel Rice 4000 Do, Robert Halton 4000 Do, Eleazer Allen 4000 Do, Mathew Rowan 4000 Do, Edward Moseley 4000 Do, Roger Moore 4000 Do, William Forbes 4000 Do, George Gould 4000 Do, George Moore 4000 Do

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At a Council held at Brunswick the 13th day of July 1744. In Pursuance of His Excellency's Order in Council Dated at Newbern the 4th day of July 1744, Giving Power to the Members of Council on Cape Fear River to meet and Concert measures for the Security of the said River against any Invasion by our Enemies

Present

The Honoble { Robert Halton, Eleazr Allen, Mathew Rowan, Roger Moore and William Forbes } Esqrs Members of Council.

The Council took under their consideration the most Proper place on Cape Fear River for Erecting a Battery for the defence of the lower part of the said river, and agreed that the place most convenient for that purpose, is one of the small Islands of Oyster banks fronting and to the Norward of Oak Island, Provided a Foundation can be found sufficient for their work, But in Order to be better assured of the scituation and Ground thereabouts have agreed and appointed Fryday the 20th Instant to go down to the said Islands and Survey the same, and that the Several Masters of Vessels in the Port of Brunswick be desired to assist, as far as they are able in the said Survey.

His Excellency the Governor having communicated to the Council a Letter to his Excellency James Glen Esqr Governor of South Carolina desiring a Supply of not less than Twelve cannon for the use of this River, and desired it may be forwarded from hence

Ordered that an Express be Immediately sent with the said Letter and that the Publick be charged with the Expence of the same

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At a Council held at Brunswick 5 Septr 1744

Present

The Honoble { Nath Rice, Robert Halton, Eleazer Allen, Roger Moore and William Forbes } Esqrs Members of Council

His Excellency Governor Johnston having Writ some time since to his Excellency James Glen Esqr Governor of South Carolina to desire the favour of some cannon for a Fortification intended to be Erected in this River; The answer to which Letter having been opened and read by some Members of his Majesty's Council of this Province pursuant, to Governour Johnston's Direction which contained in substance that he was extreamly desirous of cultivating a good understanding with his Excellency, and of rendering any agreeable Service in his Power to this Province, and accordingly was willing to give Directions for delivering to his Excellency's Order, Ten Pieces of Ordinance of 9 and 12 pounders, and twenty Round of shot, out of his Majesty's Magazine of Stores of War for the use of that Province, Provided his Excellency would give his Obligation for returning the same, when the Stores should arrive, which Governor Johnston had given him to understand he did intend to make application for, to the Office of Ordinance in England

Ordered that the said Letter of his Excellency Governour Glen be transmitted to the Governour of this Province by the first Oppertunity, and that in regard of the length of Time that will necessarily intervene, by reason of the great Distance between this and the place of the Gov-

ernour's Residence, before his Excellency can receive the said Letter that a Letter of thanks be wrote to Governour Glen, in the name of the Council for his great civility exprest in his readiness to comply with M^{r} Johnston's Request in behalf of this Province, but withall to acquaint him that our affairs are not yet in a Scituation to require the aforesaid Ordinance. NATH. PRICE C. C.

North Carolina

At a Council held at Newbern 19th November 1744

Present His Excellency Gabriel Johnston Esq^{r} Governour &c

The Honoble { Robert Halton, Mathew Rowan, Edward Moseley; Roger Moore and William Forbes } Esq^{rs} Members of His Majesty's Council

Read the following Petitions for Warrants Viz^{t}

Luke Gregory 200 Chowan, William Wyatt 300 Perquimons, Susannah Anderson 200 Edgcombe, John Haywood 300 D^{o}, William Acock 500 N^{o} Hampton, Samuel Brock 600 Edgcombe, William Bocleau 200 D^{o}, Robert Harriss 400 D^{o}, William Mearns 500 D^{o}, James Hendrick 200 D^{o}, James Reeves 300 D^{o}, Samuel Williams 100 D^{o}, Montford Eclbeck 640 D^{o}, John Becton 30 Craven, D^{o} D^{o} 200 D^{o}, Abraham Sheppard 400 D^{o}, James Tyner 100 D^{o}, Henry Everitt 150 D^{o}, William Hooks 200 D^{o}, Henry Everitt 300 D^{o}, Joseph Boon 200 D^{o}, John Scellar 100 Craven, Richard Pierce 100 D^{o}, John Johnson 200 Beaufort, Simon Flowers 100 Craven, Richard Barefield 500 D^{o}, Solomon Johnson 200 D^{o}, William Drake 100 Edgecombe, William Gurlee 200 Craven, Joseph Lamb 100 D^{o}, Edward Bass 200 D^{o}, Elias Fort 150 D^{o}, Patrick Menture 100 D^{o}, James Conner 300 D^{o}, James Terry 400 Edgecombe, William Kennady 400 Craven, James Smith 100 Tyrrell, Thomas Hall 200 Craven, Elias Fort 400 D^{o}, George Moore 320 Bladen, D^{o} D^{o} 320 D^{o}, D^{o} D^{o} 320 D^{o}, D^{o} D^{o} 320 D^{o}, Leonard Loftin 200 Craven, Jos. Jn^{o} Alston 600 Edgecombe, D^{o} D^{o} 100 D^{o}, Benjamin Sanderson 150 Craven, William Ferris 50 N^{o} Hampton, W^{m} Gillam 50 D^{o}, John Lysle 300 Edgecombe, Thomas Dudley 300 Onslow, William Barber 300 Onslow, And^{w} John Febin 150 D^{o}, John Starkey 300 D^{o}, D^{o} D^{o} 300 D^{o}, William Bush 300 Craven, Edward Stevens 200 Bladen, William Moore 200 Craven, William Stroude 200 Edgecombe, Henry Heaton 150 Craven, William Paskall 150 Edgecombe, John Barrow 400 Beaufort, Henry Gibbons 200 Craven, Robert Howell 100 Bertie, John Williams 100 N. Hanover, Neal M^{c}Neal 100 Bladen, John Grenade 300 Craven, Robert Mitchel 150 Edgecombe, John Williams 400 N. Hanover, Neal McNeal 100 Bladen, John Grenade 300 Craven, Robert

Mitchel 150 Edgecombe, John Williams 400 N. Hanover, Martin Fruitham 400 Bladen, Evan Jones 200 N. Hanover, D° D° 200 D°, John Carrel 200 Craven, John Brooks 200 Bladen, Michael Ram 200 Craven, Phil. Mew Jun^{r} 200 Beaufort, John Worsley Jun^{r} 200 D°, John Fonville 150 Craven, D° D° 300 D°, Jacob Jernigan 300 D°, Osborne Jeffreys 400 Edgecombe, D° D° 150 N° Hampton, D° D° 500 Craven, Robert Walker 320 N. Hanover, John Echolls 500 Beaufort, John Forbes 500 Beaufort, Nicholas Rutledge 400 Craven, David Dunn 100 D°, Richard Hart 100 D°, James McWain 400 D°, Sampson Underwood 200 N° Hampton, Charles Jordan 200 D°, D° D° 200 D°, Charles Anderson 640 D°, Matthew Strickland 300 D°, Hopkins Lee 100 Tyrrell, John Watson 100 Edgecombe, William Williamson 200 D°, Thomas Brown 200 D°, Joshua Lee 500 D°, John Blalock 640 Craven, John Hinton 150 Craven, Robert Courtney 150 Onslow, Patrick Stancland 100 Craven, Robert Jones 200 D°, Anthony Dubois 400 N. Hanover, John Collins 150 Craven, William Taylor 300 Edgecombe, D° D° 200 D°, John Wade 640 D°, Samuel Gilbraid 500 Craven, James Collins 200 D°, William Johnson 400 New Hanover, William Gardiner 200 D°, D° D° 300 D°, John Russ 200 Bladen, John Moore 100 Craven, Robert Clark 100 D°, Edward Fitzpatrick 150 D°, Edward Fitzpatrick 450 Craven, Anthony Colbrett 200 D°, William Bush 400 D°. Granted.

At a Council held at Newbern 20th November 1744

Present His Excellency Gabriel Johnston, Esq^{r} Gov &c

The Honoble { Robert Halton, Edward Moseley, Eleazer Allen, Roger Moore, Mathew Rowan, Cullen Pollock, William Forbes } Esq^{rs} Members of His Majestys Council

Read the following Petitions for Warrants Viz^{t}

Matthew Whitfield 100 N. Hanover, William Prescott 100 D°, Edward Malchett 200 D°, Anthony Williams 200 D°, Robert Forster 640 Edgecombe, Robert Jones 200 Craven, Robert Forster 300 Edgecombe, Darby M^{c}Carty 640 Hyde, Anthony Cock 400 N. Hanover, William Wyatt 200 Perquimons, John Richards 200 Edgecombe, Jos. Jn° Alston 500 Chowan. Granted

Read the following Petitions for Patents, to wit

Andrew Symmons 300 Beaufort, James Breckle 150 D°, William Bocus 25 Hyde, Nathaniel Powells 200 Edgecombe, Richard Powell 200 D°, James Homes 550 Beaufort, John Williams 100 N. Hanover, D° D° 150 Craven, Samuel Smith 100 D°, Thomas Every 300 D°, John Vernam 600 Beaufort. Granted

The following Persons were admitted to prove their Rights Viz^{t}

	County.	Whites.	Blacks.
John Starkee for John Burnett	Onslow	6	
Hopkin Wilder	Edgecombe	4	2
John Pope	D^{o}	6	20
Henry Smith by John Forbes	Beaufort	10	4
John Pope for John Jones	Edgecombe	5	
Arthur Johnson	Craven	2	2
Joseph King	Edgecombe	5	
John Pope for John Langston	D^{o}	6	2
William Burton	Craven	3	2
John Pope for Tho^{s} Merritt	Edgecombe	8	
James Castelloe for James Sanders	Bertie	6	
Robert Savage	Craven	13	1
John Wade	N. Hamp^{n}	8	1
William Ham	Beaufort	7	
John Murfey	Craven	1	1
Col^{o} Jn^{o} Forbes for Hope Willetts	N. Hanover	6	
Robert Clarey	Edgecombe	6	1
Jos. Jn̄o Alston	D^{o}	5	3
John Smith	Hyde		6
Martin Pender	Craven	4	
Thomas Crew	Bertie	5	
Frederick Hones	Edgecombe	2	
Thomas Pierce	Bertie	1	
Thomas Barefield	D^{o}	3	
James Mulkey	Craven	1	
William Kendrick	Edgecombe	3	
George Stevens	D^{o}	1	5
Thomas Price	D^{o}	4	
Humphrey Lawrence	Craven	1	
James Deerham	D^{o}	8	
Roger Moore for Fran^{s} Thomas	N. Hanover	5	
Roger Moore for Henry Simons	D^{o}	5	32
Benjamin Fordham	Craven	5	1
The following Proved by John Forbes			
Anthony Wheny	Beaufort	6	1
John Wean	Craven	4	
Joseph Saterthwhite	Hyde	8	
William Taylor	Beaufort	12	
Roger Hodges	D^{o}	3	

Richard Basset	D°	2	1
Luke Forteskue	Hyde	4	
Christopher Guinn	Beaufort	2	9
Mrs Eliz^{a} Snoad Wid°	D°	5	12
William Gildings	Hyde	5	
Isaac Buck	Beaufort	7	11
John Linkfield	D°	7	
Villaby Adams	D°	4	
William Cooper	Beaufort	4	
William Phipps	D°	5	2
John Morphie	Craven	5	
Samuel Tindall	Beaufort	10	
John Hardy	D°	7	
Col° Edward Moseley	N. Hanover	11	90
John Howell	Craven	9	
George Rochell	Tyrrell	3	
William M°Leroy	Craven	3	
John Clark	D°	3	
James M°Leroy	D°	4	
Benjamin Peyton	Beaufort	7	24
William Peyton	D°	3	7
Stephen Clayton	Craven	8	
Michael French	D°	7	
John Oases	N. Hanover	5	1
Mark Morgan	Bladen	3	3
John Richards	Edgecombe	5	

Ordered That the Caveat Entered by Henry M°Culloh Esq^{r} against Sundry Persons obtaining Grants for Land Lying in Bladen County be fully heard and Determined at the next Council.

At a Council held at Newbern 22^{d} November 1744

Present His Excellency Gabriel Johnston Esq^{r} Gov^{r}

The Honoble { Robert Halton, Edward Moseley, Eleazer Allen, Roger Moore, Mathew Rowan, Cullen Pollock & William Forbes } Members of His Majesty's Council

Read the following Petitions for Warrants, Viz^{t}

William Cooper 300 Beaufort, William Felps 100 D°, Mary Edwards 300 Craven, John Langston 300 Edgecombe, Mark Morgan 400 Bladen, John Plur White 250 Craven, Hopkin Wilder 300 Edgecombe, Berry Nelson 200 Craven, John Murfey 150 D°, Samuel Griffiths 300 D°,

Nicholas Culbert 250 D°, William Burton 200 D°, D° D° 50 D°, Henry Smith 200 D°, John Matthews, 200 D°, John Hilliard 250 D°, Phil Miller 200 D°, John Smith 500 D°, Thomas Truchitte 200 D°, John Bussit 200 D°, James Deerham 100 D°, William Bullen 100 D°, Geo. Mich Wolf 160 D°, Richard Johnson 100 Craven, Henry Owen 100 D°, John Murphy 100 D°, Thomas Davis 250 D°, Martin Frank 300 D°, Benjamin Cooper Sen^{r} 250 D°, John Wayne 200 D°, Roger Moore Esq^{r} 320 New Hanover, Theophilus Williams 150 D°, Roger Moore Esq^{r} 200 D°, Henry Simons 600 Bladen, James Mulkey 100 Bladen, James Dawson 500 D°, Theophilus Peirce 100 Bertie, Thomas Lewis 100 Carteret, John Simpson 300 D°, John Johnson 100 Onslow, Robert Hooks 100 D°, John Burnaph 200 D°, Richard M°Clure 300 Curratuck, Jos John Alston 300 Edgecombe, Christopher Guinn 200 D°, Thomas Barefield 300 D°, Robert Clarey 200 D°, Benjamin Rush 300 D°, Hopkin Wilder 640 D°, Frederick Holmes 200 D°, Benjamin Peyton 200 Beaufort, Jno Hardy 400 D°, Roger Hodges 300 D°, William Foreman 100 D°, Elizabeth Snoad 300 D°, Anthony Wherry 200 D°, William Taylor 200 D°, Isaac Buck 200 D°, Richard Basset 150 D°, Christopher Guinn 200 D°, Samuel Tindall 400 D°, William Giddins, 100 Hyde, Roger Mason 100 Hyde, Joshua Saterwhite 100 D°, Luke Forteskue, 100 D°, Willowby Adams 200 D°, William Bartram 150 Bladen, John Rice 200 Craven

Eleazer Allen Esq^{r} His Majesty's Receiver General of this Province Exhibited his Accounts of the Receipts of his Majesty's Quit Rents within the same from the 29th day of September 1735 to the 29th day of September 1744 and made Oath thereto before His Excellency the Governour in Council which is Ordered to be Certified.

Read the following Petition^{rs} Patents

Samuel Ormes 500 Bertie, D° D° 500 Tyrrell, Aaron Spring 100 Beaufort, James Ballance 200 Curratuck, Thomas Dudley 100 D°, John Perkins 600 D°, William White 100 D°, Thomas Nickolson 125 Perquimons, Bullock Simons 200 Currituck, William Ham 640 Beaufort, William Carruthers 300 D°, D° D° 270 D°, David Morley 80 Bladen, William Carruthers 200 Beaufort, John Smith 200 Tyrrell, James Smith 405 D°, John Ward 640 Beaufort, Henry Best 200 Craven, Arthur Pierce 100 D°, Warren Andrews 150 Edgecombe, William Hall 200 Craven, Solomon Johnson 350 D°, John Johnson 300 Tyrrell, James Speir 100 Craven, Henry Best 200 D°, William Best 200 D°, Benjamin Wall 100 D°, Marmaduke Norfleet 200 Edgecombe, John Glover 640 D°, Abraham Boyd 200 Craven, Marmaduke Norfleet 129 Edgecombe, John Blount 100 Craven, Thomas Page 300 D°, James Boseman 200 Edgecombe, Patrick Montant 160 Tyrrell, James Conner

100 D°, Philomon Pierce 200 Craven, John Powell 100 D°, David Morley 79 Bladen Granted

The following Persons were admitted to Prove their Rights

		White.	Black.
William Johnson	Craven	1	7
Adam Moore	D°	1	
Robert Park	D°	1	

At a Council held at Newbern 24 day November 1744

Present His Excellency Gabriel Johnston Esq^r Gov. &c.

The Honoble { Robert Halton, Edward Moseley, Eleazer Allen, Roger Moore, Mathew Rowan, Cullen Pollock, and William Forbes } Esq^rs Members of His Majesty's Council

Read the following Petitions for Warrants—

John Howell 100 Craven, David Wardson 250 Edgecombe, James Smith 100 Tyrrel, Abraham Harring 150 Craven, John Peters 10 D°, David Mill 200 Bladen, John Everett 200 Edgecombe, John Demant 250 D°, Moses Houston 300 Carteret, Hope Willets 200 N. Hanover, George Downing 150 Edgecombe, William Faulk 100 Tyrrel, William Herritage 300 Craven, Joseph Strickland 200 Edgecombe, Joshua Davis 640 N. Hanover, Israel Robinson 600 Edgecombe, William Smith 100 D°. Granted.

William Wilder 100 Edgecombe, Moses Dean 100 Tyrrel, Samuel Henderson 100 Edgecombe, William Johnston 100 Craven, Thomas Moore 100 D°, John Stringer 100 D°, Nicholas Drench 100 D°, James Lane 100 Edgecombe, James Cheney 200 Craven, Robert Clark 200 D°, Robert Savage 600 Bladen, Thomas Turner 300 Edgecombe, Stephen Clayton 500 Craven, Philip Alston 600 Edgecombe, John Ferril 200 Craven, Thomas Nelson 300 Carteret, James Smallwood 200 Craven, Littleton Spivy 400 Edgecombe, John Rouse 200 N. Hanover, Rice Price 200 Craven, Luke Whitefield 200 D°, William Gardner 200 N. Hanover, William Hall 200 Craven, William Pool 200 D°, Dennis M°Clendon 300 D°, John Nelson 50 D°, John Sherwin 500 Edgecombe, William Person 350 D°, John King 300 Edgecombe, William M°Croy 100 Craven, John Clark 200 Edgecombe, Robert Surle 100 Craven, John Clark 150 D°, Levi Alderson 100 Beaufort, Samuel Williams 300 Edgecombe, William Brice 100 Craven, Charles Adams 200 D°, Jos. Jno. Alston 500 Edgecombe, John Wade 500 D°, George M°Cartey 10 Craven, John Hamer 100 Bladen, Richard Sessmett 100 Craven, Abner Hall 200 Edgecombe, Phil: Kerkin 200 Craven, Adam Moore 200 D°, John Bryan 100 D°, Richard Barefield 200 D°, William Marmant 200

Onslow, Henry Roberts 250 Craven, David Mills 300 Bladen, Adam Moore 200 Craven, Thomas Lynch 300 Edgecombe, D° D° 300 N. Hanover, John Oats 500 D°, John Demant 250 Edgecombe, Philip Bradford 250 D°, Joseph Clark 200 Bladen, John Hart 200 N. Hanover, James Everet 100 Bladen, George Turnage 200 Craven, Robert Hill Jun^{r} 200 Edgecombe, Richard Allen 200 D°, John Miller 100 Onslow, Thomas Parker 200 Edgecombe, Joseph Strickland 300 D°, Thomas Kearney 300 D°, Robert Parker 100 Craven, Thomas Parker 300 Edgecombe

The following Persons Petitions for Patents Viz^{t}

John Herring 300 Craven, James Craven 494 Chowan, William Wilson 300 Craven, Nicholas Boon 300 N. Hanover, Samuel Sinclair 400 Hyde, John Gill 90 Bertie, Samuel Sinclair 490 Beaufort, Robert Dunbar 100 D°, John Smelly 200 N° Hampton, D° D° 160 D°, Edward Mathers 100 Craven, John Deer 100 Edgecombe, Solomon Fuller 300 N° Hampton, John Lott 100 Edgecombe, Richard Sessums 300 D°, John Jones Petition Granted, Francis Stringer 400 Craven, Levi Truehitts 800 D°, Thomas Kennon 200 N. Hanover, Francis Stringer 640 Craven, Moses Tillman 100 D°, Benjamin Williams 150 D°, William Chamlin 200 D°, Thomas Smith 500 D°, Joshua Sasnut 100 D°, Jos & Jacob Herring 300 D°, William Bonds 200 Craven, Robert Rayford 200 Craven, James McKlewean 300 D°, James Monks 300 D°, Jacob Sheets 200 D°, Edward Williams 180 D°, Priscilla Edmonson 150 D°, Geo: Michael Wolf 640 D°, D° D° 320 D°, Thomas M°Clendon 300 D°, John Slanalon 150 D°, James M°Kelwain 150 D°. Granted

The following Persons were Admitted to Prove their Rights

	Whites.	Blacks.
Robert Walker N. Hanover	4	5
John Simpson Carteret	3	
The following Proved by John Lane		
John Noy Edgecombe	3	
John Bishop D°	4	
William Southerland D°	5	
William Eaves D°	2	
David Bales D°	2	
John Patterson D°	2	
Lawrence Bankson D°	2	
Thomas Mason D°	4	
William Smith D°	2	
James Pace D°	5	
John Ray D°	2	

At a Council held at Newbern 27th November 1744

Present His Excellency Gabriel Johnston, Esqr, Govr &c

Eleazer Allen	Roger Moore
Mathew Rowan	Cullen Pollock
Edward Moseley	William Forbes.

Read the following Petitions for Warrants Vizt

William Carruthers 200 Beaufort, Edward Bryant 100 Craven, Do Do 50 Do, Isaac Henter 150 Bertie, Thomas Taylor 300 Pasquotank, John Halsey 400 Chowan, Peter Adams 500 Do, James Blount 300 Tyrrel, Francis MoClendon 600 Craven, John Clark 640 Bladen, Do Do 200 Do, Do Do 300 Do, John Simpson 200 Onslow, John Edward 600 Bladen, William Jones 400 Edgecombe, William Chavers 400 Do, Walter Gibson 100 Do, William Jones 600 Do, John Gay 400 Do, Joseph Howell 300 Do, Thomas Gwaltney 400 Beaufort, David Bunn 100 Edgecombe, Walter Lane 400 Craven, William Herring 300 Edgecombe, Jacob Strickland 100 Do, William Douglass 300 Do, Henry Ivey 300 Do, Theophilus Pugh 2,000 Chowan, William Eves 200 Edgecombe, James Pace 450 Do, Joseph Lane 500 Do, James Ard 400 Craven, Thomas Howell 200 Do, Francis Jones 200 Edgecombe, Joseph Brantley 200 Do, John Lott 300 Do, Solomon Joyner 200 Do, John Hennard 150 Do, Peleg Rogers 400 Do, Thomas Bradley 600 Do, Richard Bayley 600 Do, David Kelley 400 Do, Francis Patterson 200 Do, William Bentley 100 Craven, Joseph Kimball 200 Edgecombe, Theophilus Goodwin 200 Do, Joseph Sims 150 Craven, Anthony Rackley 250 Edgecombe, Joseph Philips 250 Do, Thomas Ray 200 Do, Robert Humphrey 20C Craven, Wm & Robt Sutherland 300 Edgecombe, John Bishop 400 Do, Thomas Mason 400 Do, John Moore 200 Do, William Sims 300 Do, David Bales 300 Do, John Patterson 200 Do, William West 300 Do, Thomas Nellson 640 Carteret Granted

Read the following Petitions for Patents

Robert Halton 1000 Craven, Martin Gardiner 400 Bertie, Benjamin Weeks 200 Carteret, Thomas Shepherd 200 Onslow, John Sterkee 300 Do, William Betsworth 195 Beaufort, Francis Sumner 300 Onslow, James Kelly 200 Edgecombe, Elisha Hunter 297 Chowan, James Skipper 300 Craven, John Ballard 200 Edgecombe, Thomas Lewis 75 Craven, Richard Pace 200 No Hampton, Joseph Skipper 300 Craven, Joshua Lamb 300 Do, John Williams 96 Do, Edward Griffith 480 Tyrrel, Joseph Strickland 500 Edgecombe, Martin Gardiner Senr 300 Bertie, Solomon Fuller 300 No Hampton, William Bunn 640 Do, Thomas Jones 400 Do, Robert Williams 300 Do, James Kelley 200 Edgecombe, Samuel Ramsey 300 Onslow, Phineas Stephens 400 Do, Thomas German 100 Craven, Jacob Lewis 640 Onslow, Sarah Anderson 300 Do, John Gatlin 400 Craven, John Rouse 200 Do Granted

At a Council held at Newbern 1st December 1744

Present His Excellency Gabriel Johnston Esqr Govr &c

The Honoble { Robert Halton, Edward Moseley, Eleazer Allen, Roger Moore, Mathew Rowan, Cullen Pollock, William Forbes } Esqrs Members of His Majestys Council

Read the following Petitions for Warrants Vizt

Joseph Anderson 400 Edgcombe, David Marlaw 270 Craven, Joseph Anderson 300 Edgecombe, Nath Rice 640 N. Hanover, John Pope 300 Edgecombe, John Demant 250 Do, William Blake 300 Do, William Peyton 300 Beaufort, Oswell Langley 200 Edgecombe, John Jones 300 Do, John Pope 200 Craven, William Coles 200 Carteret, Thomas Graves 200 N. Hanover, William Bennet 450 Edgecombe, George Stephenson 50 Do, George McCarthy 300 Craven, John Rice & Jno Potter 200 N. Hanover, Coleman Row 400 Beaufort, George Thomas 300 Edgecombe Granted.

Read the following Petitions for Patents, Vizt

John Moore 250 No Hampton, William Wilson 300 Craven, George Styring 100 Carteret, Do Do 400 Do, Ralph Mason 300 Edgecombe, George Gould 790 Do, Edmond Smithwick 100 Craven, James Permento 300 Edgecombe, Richard Sessums 200 Craven, Samuel Williams 268 Edgecombe, John Davis 500 Do, Joseph Sinns 640 Do, John Creel 500 Edgecombe, Joseph Lane 200 Do, William Cathcart 286 No Hampton, William Saucer 300 Edgecombe, Richard Jones 400 Do, Nicholas Purefoy 200 Craven, Joseph Bridgers 436 No Hampton, Robert Harris 350 Edgecombe, Jos: Jno. Alston 200 Craven, Mark Morgan 300 Do, Samuel Williams 268 Edgecombe, Montfort Eelbeck 290 Do, Sampson Williams 640 Do, Thomas Ivey 300 Craven, William Smith 200 Edgecombe, Robert Warren 350 N. Hampton, John Pope 200 Edgecombe, Michael Ransher 640 Craven. Granted

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At a Council held at Newbern 4th December 1744

Present His Excellency Gabriel Johnston Esqr Gov. &c.

The Honoble { Robert Halton, Edward Moseley, Eleazer Allen, Roger Moore, Mathew Rowan, Cullen Pollock, William Forbes } Esqrs Members of His Majesty's Council

Read the following Petitions for Warrants, Vizt

William Baron 200 Craven, William Fulcher 100 Craven, Saml Saborn Plumer 200 Curratuck, William Coleman 200 Craven, John Jones 300 Edgecombe, William Outlaw 200 Bertie, Robert Walker 200 N. Hanover, Othl Straughan 200 Do, James Burns 300 Onslow, James Hazell

400 N. Hanover, Levi Swain 200 D°, Rice Price 200 D°, Richard Scott 250 D°, Anthony Dubois 400 D°, Joseph Winns 100 Chowan, Thomas Walker 400 Bertie, Thomas Odam 200 D°, Richard Williams 150 Craven. Granted.

Read the following Petitions for Patents Viz^{t}

Thomas Truehill 200 Craven, William Clanton 500 N° Hampton, Benjamin Lane 250 Edgecombe, John Fonville 250 Craven, Jacob Sheets 200 D°, Francis Stringer 263 D°, D° D° 380 D°, Christopher Crofts 320 N. Hanover, John Bayd 48 Bladen, Tim° Murphy 200 N. Hanover, Benjamin Beveret 200 D°, D° D° 200 D°, Elias Stallings 400 Bertie, Thomas Bird 245 D°, Edward Holmes 290 D°, Richard Sumner 340 N° Hampton, Alexander Campbell 300 D°, James Douglas 300 D°. Granted

His Excellency the Governor, by and with the advice and consent of His Majesty's Council was Pleased to Order a new Commission of the Peace to issue for Carteret County, constituting and appointing Thomas Lovick, Joseph Bell Sen^{r}, Enoch Ward Arthur Mabson, James Winright, Richard Rustill Sen^{r}, Sam^{l} Chaddock, David Shepperd Jun^{r}, Joseph Bell Jun^{r}, Charles Cogdell Cary Godly, Nicholas Hunter, John Chilherall Esq^{rs} Justices of the Peace for and within the said County.

Ordered, That the Governours Secretary be and he is hereby Impowered to take and Receive for every Warrant issuing out of the Secretary's Office for Lands the Sum of Twenty Shillings Bill Money.

His Excellency the Governour by and with the advice and consent of His Majesty's Council was pleased to order a New Commission of the Peace to issue for Craven County, Constituting and appointing John Powell, John Bryan, John Carruthers, Edward Bryan, Thomas Masters, John Williams, Walter Lane Christopher Gregory Hobbs Esq^{rs} Justices of the Peace for and within the said County

His Excellency the Governour by and with the advice and consent of His Majestys Council was Pleased to Order a new Commission of the Peace to issue for Hyde County constituting and appointing Samuel Sinclare, Joseph Tart, John Smith Sen^{r}, Richard Leirmount, William Harris, John Smith Jun^{r}, Foster Jarvis, William Martin, Aaron Tyce, Francis Kepps, Benjamin Martin Esq^{rs} Justices of the Peace for the said County

Ordered that George Gould Esq^{r} Surveyor General do for the future take, demand and receive for all Surveys hereafter to be made by himself or his Deputys for six hundred and forty Acres and under the sum of Ten Pounds in Publick Bills of Credit and no more.

His Excellency was pleased to acquaint the Council that he was informed Sundry Persons Intending to Remove into the remote Parts of

this Province were deterred from such their Intentions by the difficulty of attending the Governour and Council at so great distance both of time and place when and where the Governour and Council usually meet for such Purposes, Whereby a great Encrease of his Majesty's Revenue is obstructed as well as the Spedier settlement of the Province.

It is the Opinion of the Council that as there will be a great Interval of time between this and the next Council to be held for Granting of Lands. His Excellency the Governour, may himself admit of the Proof of Rights issue Warrants, and Grants for Lands in the remote Parts of the Province.

Ordered That Edward Cartledge be added to the Commission of the Peace for Bladen County

Ordered That a Dedimus issue directed to the Justices of Northampton County to Qualifie John Watts, John Moore, John Dew and Nathan Williams Esq[rs] Justices of the Peace for the said County

Ordered that a Didimus issue directed to the Justices of Onslow County to Qualify Theophilus Williams, Lewis Jenkins and Edward Ward Sen[r] Esq[rs] Justices of the Peace for said County.

Ordered that a Dedimus issue directed to the Justices of Tyrrel County to Qualify Thomas Corprew, John Mam Sen[r] James Blount, Benjamin Alexander, Gyles Long, Joseph Alexander, Joseph Spruel, William Kennaday Jun[r] William Everet Esq[rs] Justices of the Peace for the said County.

Upon Representation of M[r] Chief Justice Moseley, That he had been informed of many irregularities committed by Isaac Buck Esq[r] one of the Justices in Commission of the Peace for Beaufort County in the Execution of His Office

Ordered that the said Buck be struck out the said Commission and that the same be Certified to the Chairman and the Rest of the Justices of the said County.

His Excellency the Governour by and with the advice and consent of His Majesty's Council was Pleased to Order a New Commission of the Peace to issue for Currituck County Constituting and appointing Henry White, Stephen Williams, William Mackey, Henry Gibbs, John Caron, Thomas Williams, Caleb Wilson, William Shergold, Andrew Duke, George Powers, Ralph Mathan, Hillary White, Thomas Sanderson and Woodhouse Jun[r] Esq[rs]

Ordered that a Dedimus issue to the Justices of Beaufort County to Qualify Cornelius Tyson Esq[r] Justice of the Peace for the said County

His Excellency the Governor acquainting the Board that the Great men of the Chowan Indians had appeared before him and acknowledged

that they had Received the full consideration mentioned in the Deed now produced by Henry Hill to whom they had sold the Land mentioned in the said Deed containing six hundred and forty Acres of Land; it is thereupon Ordered by His Excellency the Governour with the Advice and consent of the Council that the said Deed be admitted to Record, and the same is hereby Ordered to be Recorded

Read the following Petitions for Patents Viz^{t}

John Rice 200 New Hanover, Mary Veale 640 D^{o}, Thomas Merrick 600 D^{o}, Grace Merrick 300 D^{o}, John Rice 200 New Hanover, Edward Moseley 500 D^{o}, D^{o} D^{o} 500 D^{o}, William Lithgow 700 D^{o}, D^{o} D^{o} 1,000 D^{o}. Granted

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[B. P. R. O. North Carolina. B. T. Vol. XI. B. 95. No. 5.]

LEGISLATIVE JOURNALS.

North Carolina—ss.

At an Assembly begun and held at Edenton the fifteenth day of March in the year of our Lord one thousand seven hundred and forty two [1743] and in the seventeenth year of the reign of his present Majesty King George and continued by prorogation until the twenty third of this instant February one thousand seven hundred and forty three [1744] at Bath Town being the fourth Session of Assembly

In the Upper House Tuesday the sixth The House met according to adjournment

Present

The Hon^{ble} { Nathaniel Rice. Roger Moore / Eleazer Allen. Cullen Pollock. / Mathew Rowan. William Forbes. } Esq^{rs} Members

Upon reading the Message of the Lower House sent up this day from the House of Burgesses this House was pleased to take notice that they had altered their stile of Address to this House by the Words Gentlemen of His Majesty's Council instead of the words May it please your Honours always heretofore used to this Board which alteration of stile this House takes to be an indignity offered to the House and Ordered the following Message to be sent to the House of Burgesses

M^{r} Speaker and Gentlemen

We observe by your Message this day by Col. Hill and M^{r} Starky together with the Bill for sinking the Bills of Currency &c. That you

have taken occasion to alter your stile of Address to this House by substituting the words Gentlemen of his Majesty's Council in the place of those heretofore used in all Messages from your House to ours.

As we would not willingly enter into any dispute with the House of Burgesses and not knowing whether this alteration was by order of the House or by mistake We desire you would satisfy us in this point that if the latter the message may be amended and then we shall proceed to answer it in such a manner as the nature of it requires when we doubt not to give you full satisfaction

Then the House adjourned until tomorrow morning nine of the clock

Wednesday March seventh The House met according to adjournment

Present

The Hon^ble { Nath. Rice. Roger Moore / Eleazer Allen. Cullen Pollock / Math. Rowan. Wm. Forbes } Esq^rs Members

M^r Sumner & M^r Wilson brought up the following Message Viz:

GENTLEMEN OF HIS MA^ties COUNCIL

In answer to your Message in relation to the altering the stile of Address in our Message to your Honours We are of opinion that whatever may have been the method heretofore That the stile mentioned in your Message was proper especially when we considered His Maj. Instructions and that it is what we have always made use of in the enacting part of our Laws

As we are desirous of doing the business of the public we are unwilling to enter into any dispute but we apprehend it was a mistake when in your Message you call this House the House of Burgesses This House being stiled by his Majesty's Instructions and also in the Laws themselves the General Assembly

Then the House adjourned until three o'clock in the afternoon

Post Merid^n The House met according to adjournment.

Present

The Hon^ble { Nath. Rice. Roger Moore / Eleazer Allen. Cullen Pollock / Mat. Rowan Wm. Forbes. } Esq^rs Members

Upon reading and considering the Message of this Morning sent up by M^r Sumner and M^r Wilson This House came to the following resolutions Nemine contradicente

Resolved That it is the opinion of this House that the Message received this morning from the House of Burgesses in answer to one of this House yesterday relating to the alteration of stile used to this House is

by no means satisfactory and that the said Message of this morning is a continuation of the affront and indignity put upon this House yesterday.

Resolved, That it is the opinion of this House that the Message of yesterday from the House of Burgesses to this House sent up by M^{r} Starky and M^{r} Hill in which the usual stile of Address was altered and was intended and put on foot by some evil disposed persons to destroy the harmony and good understanding that has hitherto subsisted between the two Houses thereby to serve some sinister ends and obtain some extraordinary demand they may have in view.

Resolved, That the House will not receive any Message from the House of Burgesses to transact any public business with that House until satisfaction be given to this House for the said affront and indignity.

The Messenger of this House brought a paper into this House which he said he found at the door signed by James Castellane a Member of the House of Burgesses as follows

We the subscribers Representatives of the County of Albemarle being met at Bath Town pursuant to His Excellency's prorogation in order to pass Laws for the public good of our Constituents judge it a duty incumbent upon us to declare that unless the Bill for appointing Wages for the General Assembly is returned from the Council we will not agree to the Money Bill or alter it upon any other scheme whatsoever Witness our Hands this sixth day of March 1743. [1744]

JAMES CASTELLANE.

Resolved, That the said Paper is a full confirmation of the former opinion and resolution of this House

Resolved, That an humble Address be presented to His Excellency the Governor and therein to set forth the several matters upon which the above resolutions were founded in order to vindicate this House from any imputation of obstructing the public business and put some stop to the indignity and affronts that are daily offered to this House in such manner as to His Excellency shall seem meet.

Then the House waited upon His Excellency and presented the following Address Viz^{t}

NORTH CAROLINA—ss.

To His Excellency Gabriel Johnston Esq. Captain General Governor and Commander in Chief in and over the said Province

The Humble Address of the Members of His Majesties Council now met in General Assembly.

MAY IT PLEASE YOUR EXCELLENCY

The Members of His Majesty's Council now met in General Assembly beg leave to represent to Your Excellency the strange and uncom-

mon method by which the House of Burgesses have of late thought fit to carry on business of the Province with the Members of this House which we conceive not only imparliamentary but tending to subvert that order and decency which is so necessary to be observed between the two Houses during their intercourse in the transaction of public affairs.

That it's well known to Your Excellency how long the Members of Council attended at the place to which Your Excellency was pleased to prorogue the Assembly before a sufficient number of the Lower House were met to go upon business as well as how long after this period the time was with great indifference and unconcern protracted before any point which Your Excellency had recommended to them in your speech was so far brought to a maturity as to recite even the form of a Bill to be communicated to this House.

That when at last they had so far proceeded as to form a Bill intituled a Bill for sinking the present Bills of Credit of this Province for discharging the public debts and for making stamping and emitting a new Currency sixteen thousand pounds equal in value to Proclamation money and sent the same to this Board The Council upon reading the same the first time and apprehending it to be conceived in a manner contrary to equity as to that part of it which related to the public debts and for that which related to a new Currency not only so but to common sense and understanding of all who have the least notion of public credit sent it down without any amendments saving the erasement of two clauses for the payment of the wages of the Council and Assembly out of the funds on each Branch of the Bill and therewith a Message containing our disapprobation of it as it then stood and gave our reasons for the same.

That two days after the said Bill was returned to the Council in the same form it first came up together with a Message to this House in which we found the stile of Address to this House was altered and instead of the words May it please Your Honours always before by them used in such address the words Gentlemen of His Majesties Council were used which induced this House immediately to apply to them by Message whether the said alteration of stile was by mistake of the Clerk or designed that if the former it might be rectifyed To which an Answer was the day after returned wherein the House of Burgesses insisted on their alteration of stile to the Council notwithstanding any custom heretofore to the contrary all which papers we humbly lay before Your Excellency.

We further beg leave to represent to Your Excellency that the same day the Messenger of the Council found a writing at the door of the

Council Chamber which being brought in was found to be the handwriting of and signed by James Castellane one of the Members of the House of Burgesses and contained the form of an Association of the Members of Albemarle County not to pass the Currency Bill in any other form unless provision was made for the wages of the Assembly which papers we also lay before Your Excellency

That it seems plain to His Maj. Council from these new and unheard of proceedings That the House of Burgesses are entirely governed by a few restless and uneasy Members of it who void of all regard for the public welfare and impelled by their own sinister & private views are using their utmost endeavours to render the meeting of this Assembly abortive notwithstanding the necessity of their sitting at this critical juncture by breaking the harmony and good understanding that hath hitherto existed between the two Houses and rendering their consultations for the public good ineffectual.

His Maj. Council having duly considered these matters found themselves under a necessity to enter into the several resolutions copies of which we here present Your Excellency with in order to preserve the honour & dignity of their House and support that part of the Legislature in which His Majesty has been pleased to place and we humbly hope the abovement[d] facts as they are very truly related will convince Your Excellency that whatever consequences may arise from this breach of intercourse between the two Houses they are by no means to be imputed to them but to the wicked and pernicious designs of some of the Members of the House of Burgesses.

Then the Members returned to the House and adjourned the same until tomorrow morning nine o' the clock

Thursday 8[th] The House met according to adjournment

Present

The Hon[ble] { Nath. Rice. Roger Moore / Eleazer Allen. Cullen Pollock / Math. Rowan Wm. Forbes } Esq[rs] Members

Then the House took under their consideration the Resolves of yesterday and ordered the three first of them to be sent down to the Lower House together with the following Message Viz:

M[r] Speaker and Gentlemen of the House of Burgesses

Your Message of yesterday by M[r] Wilson and M[r] Sumner not being satisfactory has induced this House to come to the resolutions herewith sent you.

In the Upper House March 8th Upon reading and considering the message of this Morning sent by Mr Wilson and Mr Sumner This House came to the following resolutions Viz^{t}:

Resolved That it is the opinion of this House that the Message received this morning from the House of Burgesses in answer to one of this House yesterday to the alteration of stile used to this House is by no means satisfactory and that Message of this morning is a continuation of the affront and indignity put upon this House yesterday

Resolved That it is the opinion of this House that the Message yesterday from the House of Burgesses to this House sent up by Mr Starky and Mr Hill in which the usual stile of Address was altered was intended and put on foot by some evil disposed persons to disturb the harmony and good understanding that has hitherto subsisted between the two Houses thereby to serve some sinister end and to obtain some extraordinary demand they may have in view

Resolved That this House will not receive any Message from the House of Burgesses to transact the public business with this House until satisfaction be given to the House for the said affront and indignity

By order of the House NATH RICE, President

Then His Excellency the Governor came to the House and sent a Mandate to the Lower [House] commanding their immediate attendance in the Council Chamber Whereupon the Speaker attended by the Lower House waited upon His Excellency in the Council Chamber When he was pleased to dissolve the said Assembly

True Copy R^{d} LOVETT C^{lk}.

[B. P. R. O. North Carolina. B. T. Vol. 28.]

North Carolina—ss.

At an Assembly begun and held at Edenton the fifteenth day of March in the sixteenth year of the Reign of our Sovereign Lord George the Second by the Grace of God of Great Britain France and Ireland King (and so forth) and in the year of our Lord One Thousand seven Hundred and forty two [1743] and from thence continued by several Prorogations to the Twenty first day of February in the seventeenth year of the reign of our said sovereign Lord George (and so forth) and in the year of our Lord One Thousand Seven Hundred and *forty three* [1744] at Bath Town, and then further continued to the *twenty third* day of *February* aforesaid

in the year aforesaid at Bath Town aforesaid being the fourth Session of this Present Assembly.

Members Present.

Samuel Swann Esq^{r} Speaker.

M^{r} George Powers	M^{r} M^{c}rora Scarbrough	M^{r} Joseph Sutton
M^{r} John Barrow	M^{r} Richard Nixon	M^{r} Samuel Sinclare
M^{r} Caleb Wilson	M^{r} Wyriot Ormond.	M^{r} John Benbury.
M^{r} William Wilson	M^{r} William Faris	M^{r} Christopher Guin.
M^{r} John Swann	M^{r} Christopher Reed.	M^{r} William Kenneday.
Mr. John Dawson	M^{r} Edmond Smithwick	M^{r} Joseph Anderson.
M^{r} William Gardiner.	M^{r} John Starkey.	M^{r} William Burgess.
M^{r} Edward Phelps.	M^{r} William Brice	M^{r} James Craven.

The Writt for ellecting a Member to serve in this present Assembly for New Hanover County in the room of M^{r} John Porter was returned.

Pursuant to which return M^{r} George Moore appeared, took the Oaths appointed by Law for his Qualification subscribed the Test and took his seat in the House accordingly.

M^{r} Joseph Anderson and M^{r} Wilson waited on his Excellency the Governour to acquaint him the House was met.

His Excellency the Governour was pleased to send a Messenger to this House thereby commanding their immediate Attendance in the Council Chamber.

John Harlow messenger to this House appeared.

Benj: Talbot formerly door-keeper to this House not appearing Andrew Conner was appointed door-keeper in the room of the said Benj^{a} Talbot.

The House in a full Body waited on his Excellency the Governour in the Council Chamber when his Excellency was pleased to make the following Speech (to wit.)

GENTLEMEN

There is no occasion for my saying much to you at present you are already apprized of the reasons of your meeting at this time

The time prescribed by Law for sinking your Bills of Currancy is now approaching and it will require the greatest care and attention to manage this affair with that regard to your Interest of your Constituants to common Honesty and the publick faith which I hope you will always observe in all your proceedings.

There is another affair Gentlemen which it is high time for you to think seriously of and that is a proper and convenient place for holding his Majesties Courts, for fixing the publick Offices and transacting the Business of the Colony.

When all the parts of this Province except such as were contiguous to the Virginia Line was but thinly inhabited, when your dealings were but small and navigation inconsiderable, when the soil of the whole province was the property of the Crown, there was then no great hardships in continuing the seat of Government where it has been for several years past in allowing the Officers to keep the publick Records in their private Houses and giving their attendance twice or thrice in a year at Publick times. But now Gen^{t} when the Province is peopled quite up to the head of Pedee River which was formerly reconed in South Carolina when the number of the people towards that Colony are so much increased when your commerce and navigation are so considerable augmented and so large a portion of the Lands in the Neighbourhood of Virginia are no longer his Majesties property.

In these circumstances it is highly necessary to appoint a place nearer the centre of the Country where his Majestie's Courts may be held where Offices may be built for keeping the publick registers and Officers obliged to give constant attendance for the dispatch of Business without hurry or confusion.

As I am fully satisfied from my own experience that this Country can never be brought to a proper Settlement till something of this kind is done I hope you will now set about it in good earnest.

The House returned Ordered the same be read Which was read accordingly And M^{r} William Faris M^{r} Joseph Anderson and M^{r} John Swann were appointed to prepare an Address to said Speech and report the same to the House.

M^{r} Thomas Lee one of the Members for Tyrell County appeared.

The House adjourned till to-morrow 9 °Clock

Fryday the 24th February 1743. [1744] The House met according to adjournment.

Read the Petition of John Doyel of Edgecomb County. Praying to be exempt from paying levies & taxes, which was Granted

Read the petition of James Blount of Tyrrell County Praying to be exempt from working on high ways and bearing arms which was Granted

M^{r} William Faris reported from the Committee appointed to prepare an address to his Excellency the Governour that the Committee had prepared the same.

Ordered the same be read, which was read as follows (To wit)

To his Excellency Gabriel Johnston Esq^{r} Governour and Commander in Chief in and over the Province of North Carolina

The humble address of the General Assembly of said Province.

MAY IT PLEASE YOUR EXCELLENCY

We are so fully convinced of the reasons of our Meeting at this time from the many publick affairs which call for our closest attention we are resolved to sett about them with all possible assiduity.

The sinking of our currancy appears to us of the utmost consequence for the establishing the publick faith and discharging our Trusts as representatives of this Province but the want of Gold and Silver or some paper currancy lays us under the greatest difficulties how to accomplish it

We please ourselves with the hopes of your Excellencys agreeing to such measures as the necessity of the Colony requires. As you daily experience the many inconveniences for want of some specie or currancy, and it shall be our study to prepare such a Bill for this purpose as may give the best security for the publick faith.

The many inconveniences arising from the unsettled way in which the publick Offices and records have been kept are so strongly felt that we shall carefully consider of a proper place where the publick business may be transacted for the future without hurry and confusion, and as far as the publick debts already contracted and the difficulties attending the payment of publick Taxes will admit shall assist in building proper Offices for those purposes

SAM: SWANN. Speaker

Ordered the same be engrossed.

M^{r} John Swann moved that a Committee be appointed to examine, state and settle the publick accounts And the following persons were accordingly appointed (To wit) M^{r} John Swann, M^{r} Benj: Hill, M^{r} Joseph Anderson, M^{r} John Starkey and M^{r} James Craven

M^{r} James Craven moved that a Committee be appointed to examine and allow publick claims And the following persons were accordingly appointed (To wit) M^{r} Benj: Payton, M^{r} Thomas Lovick, M^{r} Samuel Sinclare M^{r} John Dawson and M^{r} Edm^{d} Smithwick.

Ordered That the following message be sent to the Council (To wit)

MAY IT PLEASE YOUR HONOURS

We have appointed the following Gentlemen a Committee of this House to examine, state and settle the public [accounts] (To wit) M^{r} John Swann, M^{r} Joseph Anderson M^{r} Benj. Hill, M^{r} John Starkey and M^{r} James Craven

And also the following Gent[l] to examine and allow publick claims (To wit) M[r] Benjamin Payton M[r] Thomas Lovick M[r] Sam[l] Sinclare M[r] John Dawson and M[r] Edmund Smithwick

In conjunction with such of your House as your Honours shall think fit to appoint By order SAM: SWANN Speaker.

Ordered That M[r] Wyriot Ormond, M[r] John Starkey M[r] William Faris M[r] James Castellaw, M[r] Joseph Anderson, M[r] James Barker, M[r] John Hodgson, M[r] James Craven and M[r] William Wilson do prepare and bring in a bill for sinking the paper currency of this Province &c:

The House adjourned till 3 °clock

P. M: The House met according to adjournment

M[r] Simon Bryan one of the Members for Pasquotank County, M[r] Thomas Lee one of the Members for Tyrrell County, M[r] John Pope one of the Members for Edgecomb County, M[r] James Castellaw one of the Members for Bertie County, M[r] Benjamin Payton one of the Members for Beaufort County appeared

M[r] Joseph Anderson and M[r] William Wilson waited on his Excellency the Governour to acquaint him the House was ready to wait on him with their address.

His Excellency was pleased to return for answer that he required their immediate attendance

The House in a full Body waited on his Excellency the Governour in the Council Chamber and M[r] Speaker presented to his Excellency the foregoing address.

Then his Excellency was pleased to return this House his thanks for their address

M[r] Henry White and M[r] Will[m] Leary two of the Members for Currituck County appeared

Read the Petition of the Inhabitants of Pequimons County complaining of great hardships they lye under by the port act formerly ratified at Wilmington—praying relief and so forth

M[r] William Faris moved that a Committee be appointed to prepare a Bill for a General Inspection of Commodities in this Province and also to appoint proper places for the lading and unlading goods and Merchandizes (To wit) M[r] William Faris, M[r] James Castellaw, M[r] William Wilson and M[r] M[c]rora Scarbrough M[r] John Hodgson M[r] Thomas Barker and M[r] Samuel Sinclare

Resolved That if the Committee above said have occasion to send for any person or papers to attend the said Committee that on application of any of the Members of the said Committee to M[r] Speaker he shall issue his Warrant to bring such persons or papers before them

Received the following message from the Council (To wit)

Mr Speaker and Gentlemen

In answer to your message regarding the appointment of the Committee of Publick Claims & amounts to joyn such of this House as we thought fit.

The House have appointed the Honble Eleazar Allen, Esqre and William Forbes Esqre on accounts and the Honble Mathew Rowan & Roger Moore Esqrs on the Claims to joyn those of your House.

Dated Febry 24th 1743. [1744]

The House adjourned till To-morrow 8 °clock.

Saturday the 25th Febry 1743. [1744] The House met according to adjournment.

The House adjourned till Monday 10 °clock

Monday the 27th Febry 1743. [1744] The House met according to adjournment

Mr Marmaduke Norfleet one of the Members for Pequimons County appeared

Mr Benjamin Hill one of the Members for Bertie County appeared

Mr Thomas Barker moved for leave to bring in a Bill to repeal such part of the Port Law as relates to that part of the province formerly called Albemarle County

Ordered he have leave and that he prepare and bring in the same

Mr Faris moved that Mr George Moore be added to the Committee for publick claims.

Ordered. He be added thereto accordingly

Mr Barker moved that a Committee be appointed to prepare a Fee Bill

Ordered. That Mr John Hodgson, Mr James Craven, Mr John Starkey and Mr Wyriot Ormond do prepare and bring in the same.

Read the Petition of William Dennis of Northampton County Praying to be exempt from paying County Publick and Parish Taxes The same Granted

The House adjourned till 3 °clock

P. M: The House met according to adjournment

Mr James Castellaw moved for leave to bring in a Bill for making provision for the Members of the General Assembly.

Ordered he have leave accordingly and that he prepare and bring in the same.

Mr James Castellaw moved that a Committee be appointed to bring in a Bill for repealing the act Intituled an act for facilitating Navigation

Ordered. That Mr James Barker, Mr John Hodgson Mr Morora Scarbrough Mr Joseph Anderson and Mr James Castellaw do prepare and bring in the same

Mr Craven moved that the absent Members be sent for in custody at their several and respective expence And that Mr Speaker issue his Warrant accordingly

Resolved That the absent Members be sent for in Custody and that Mr Speaker issue his Warrant for that purpose

The House adjourned till Tomorrow 8 °clock.

Tuesday the 28th of Febry 1743. [1744] The House met according to adjournment.

Read the Petition of John Chilly of Beaufort County Praying to be exempt from Working on the roads and bearing arms. The same Granted.

Mr John Swann reported from the Committee for examining stateing and settling the publick Accounts that the said Committee on examining reports and papers of former Committees thought it requisite that the following persons be sent for to the said Committee (to wit)

Mr Thomas Lowther, Mr Joseph Anderson, Mr Thomas Hunter Mr Hugh Merchant Mr John Tripp Mr James Wainright Samuel Johnston Esqre Mr Richard Eagles Mr Robert Walker.

Resolved. That the above persons be sent for in Custody of the Messenger and that Mr Speaker issue his Warrant accordingly

The House adjourned till 3 °clock

P. M: The House met according to adjournment.

The House adjourned till To-morrow 8 °clock

Wednesday the 29th Febry 1743. [1744] The House met according to adjournment

The House adjourned till 3 o'clock

P. M: The House met according to adjournment.

Mr Edmd Smithwick moved for leave to withdraw himself from the service of the House Monday next.

Ordered he have leave to withdraw himself accordingly

Mr Benjamin Payton moved that Mr William Wilson be added to the Committee of Publick Claims.

Ordered That he be added thereto accordingly.

Mr John Dawson moved for leave to bring in a Bill to erect a Town on Chowan River at Out Laws Landing in Bertie County

Ordered he have leave and that he prepare and bring in the same.

The House adjourned till to-morrow 8 °clock.

Thursday the 1st of March 1743. [1744] The House met according to adjournment

The House adjourned till 3 °clock.

P: M: The House met according to adjournment.

Mr James Craven moved for leave to bring in a Bill to impower his Excellency the Governour to incorporate Edenton into a Citty and Corporation and so forth

Ordered he have leave and that he prepare and bring in the same.

Which Bill he read in his place and the same was sent to the Council

Mr Samuel Sinclare brought in a Bill for laying out the several Counties in this Province hereafter named into several Districts and to impower the several Commissioners therein named to make such New roads, to keep the roads in repair that are already made in such places and in such manner as the said Commissioners shall think convenient & so forth. Which he read in his place.

Ordered the same pass.

The House adjourned till 8 °clock to-morrow morning.

Fryday the second March 1743. [1744] The House met according to adjournment.

Mr Christian Reed moved for leave to bring in a Bill for an act to repeal an act for establishing ports of Delivery in the several parts of this Province. Ordered he have leave and that he prepare and bring in the same.

Mr Christian Reed brought in the above Bill which he read in his place.

Read the Petition of James Pearson of Craven County Praying to be exempt from Duties & paying Taxes. The same Granted.

Mr Thomas Lovick one of the Members for Carteret County appeared

The House adjourned till 8 °clock to-morrow morning

Saturday the 3rd March 1743. [1744] The House met according to adjournment.

Mr John Hodgson one of the Committee appointed for drawing a Bill for sinking the present Bills of Credit of this Province for discharging the publick debts and for making stamping and emitting a new Currancy of sixteen Thousand pounds equal in value to proclamation money, brought in the said Bill Which he read in his place.

Ordered the same pass and be sent to the Council.

Sent the above Bill to the Council by Mr William Faris Mr Thomas Barker Mr Benjamin Hill and Mr Joseph Anderson.

Sent the road Bill to the Council By Mr Samuel Sinclare and Mr John Starkey

Mr Arthur Mabson one of the Members for Carterett County appeared.

Sent the Bill for repealing part of the delivering Port Law by Mr Christopher Reed and Mr Wilson

The House adjourned till Monday morning 8 °clock

Monday the 5th March 1743. [1744] The House met according to adjournment

Received from the Council the money Bill. Endorsed 5th March 1743 [1744] Read the first time and passed with Amendments

And also the following Message (to wit)

Mr Speaker and Gentlemen

We send down the Bill for sinking the present Bills of Credit (& so forth) read in our house the first time to which we have made no amendments saving the striking out the clause which relates to the payment of the Wages of the Council and House of Burgesses which we think very improper in any Bill of this kind

We likewise think the time limited for the sinking the publick Bills of credit is too long and the Tax for sinking them too small that five years for the first and two shillings proclamation for the last will be more equitable.

We are likewise of opinion that the scheme for raising a New Currency is in general very defective as it establishes no fund whereby the nominal value put upon the Bills can be ascertained and made sure to the possessors of them and if possessed in the form (would) we apprehend tend to the great hurt of the province rather than any advantage to it.

Monday March the 5th 1743. [1744]

Received the road Bill and also the Bill to repeal part of the Port Law from the Council. Endorsed 5th March 1743. [1744] Read the first time and passed.

Mr Thomas Barker brought in a Bill for defraying the expence of the province in their travelling to and from and attending at Assemblys. Which he read in his place. Ordered the same pass. Sent the said Bill to the Council by Mr William Kennedy and Mr James Castellaw.

Read the Corporation Bill and sent the same to the Council by the above two Gentlemen.

Read the second time the Bill to repeal part of the port Act and so forth and sent the same to the Council by the above two Gentlemen.

Read the Bill for sinking the present Bills of Credit.

Mr John Hodgson moved that the house resolve into a Committee of the whole House to debate the subject matter in the said Bill contained· Which passed Nem : Cont :

The House resolved into a Committee of the whole house accordingly and unanimously chose Mr John Starkey Chairman.

Then proceeded to debate the matters in the same Bill contained and made several amendments therein.

Mr Speaker resumed the chair.

Mr Chairman reported that the Committee had proceeded on the said Bill and had made several amendments therein—which was read and agreed to by the whole House.

Mr Thomas Castellaw Treasurer of Bertie County resigned his said Office of Treasurer for said County.

Mr John Hodgson Treasurer of Chowan County resigned his said Office of Treasurer for said County.

The House adjourned for an hour

The House met according to adjournment

The House adjourned till to morrow 8 °clock.

Tuesday the 6th of March 1743. [1744] The House met according to adjournment.

Mr James Castellaw one of the Members for Bertie County exhibited the following complaint against Mr Mcrora Scarbrough to this House (to wit)

The underwritten James Castellaw a member of Bertie County humbly conceives it is a duty incumbent upon him as a member of this House to exhibit an article of complaint against Coll: Macrora Scarbrough one of the assistant Judges of the General Court of this Province, Judge, Member of Assembly and Treasurer of Pequimons County (to wit) he the said Coll: Macrora Scarbrough being intrusted by this Honourable House with the publick Treasury of that County and obliged to pay all the publick claims so far as the money of the said Treasury extended without any discount, yet the said Macrora Scarbrough (as the underwritten humbly conceives) to enrich himself upon the ruin of the publick Credit did in open violation to the orders of this House take and receive of sundry persons claims on the publick, at Twenty, thirty and forty ℔ cent discount to the great hurt of the possessors of the said claims and tends very much to the breach of the publick faith, he therefore begs leave to produce to this Honble House such necessary evidences to support this charge which if made good he humbly submits to the Justice of this House whether such a high criminal who may imagine

himself above the reach of inferior Courts and persons ought not only to be set aside being Treasurer of that County but also expelled as unworthy of being a member of this House (he also moves if these facts prove true) that his Excellency may be addressed by this Hon^{ble} House (he also moves) to set him aside being assistant Judge from enjoying any post in this Government either civil or military. JAMES CASTELLAW.

M^{r} Scarbrough moved that the merits of the said Petition be heard to-morrow morning.

Resolved the same be heard accordingly.

Sent the money Bill to the Council by M^{r} Benj: Hill and M^{r} John Starkey and also the following message (viz.)

GENTLEMEN OF HIS MAJESTIES COUNCIL.

We have considered your message sent down with the Bill for an act for sinking the present Bills of Credit of this Province (and so forth) but as you gave us no reason for your amendment of the clause wherein the surplus of the money raised by the Tax for sinking the present Bills of Credit and the Interest of the new currency applyed to the payment of the wages due and growing due to the members of the Council and General Assembly and other publick debts we cannot think of any to induce us to agree to your amendments

When we consider the circumstances of the Inhabitants of this Province we cannot agree to shorten the period of time for sinking the present Bills of Credit as we apprehend the laying a higher Tax for that purpose added to the Taxes already payable would near ruin our constituants

As to the last part of your message concerning the clause for emitting a new currency wherein you say that the scheme for that purpose is very defective as it establishes no fund whereby the nominal value put on those Bills can be ascertained and made sure to the possessors. We cannot find an examination that this scheme is any way defective in that particular as the Interest of the money taken out is to be yearly paid in, in gold, silver or deer skins, and the principal paid in and sunk at the several Periods in the said Bill mentioned either in currency or gold, silver, or deer skins, and should we make the payment of the principal more difficult to the takers up we are of Oppinion it would not be taken up at all and the publick thereby deprived of any benefit from it

By order SAM^{l} SWANN. Speaker

6th March 1743. [1744]

The House adjourned till 3 °clock.

P: M: The House met according to adjournment

Mr James Summer one of the Members for Pequimons County appeared

The House adjourned for a quarter of an hour

The House met according to adjournment

Received the following message from the Council. (viz:)

Mr Speaker and Gentlemen

We observe your message of this day by Coll: Hill and Mr Starkey together with the Bill for sinking the present Bills of Currency that you have taken Occasion to alter your stile to address to this House by substituting the words Gentlemen of his Majesties Council in the place of those always heretofore used in all messages from your House to ours

As we would not willingly enter into any dispute with the House of Burgesses and not knowing whether this alteration was by order of the House or by mistake we desire you would satisfie us in this point that if the latter the message may be amended and then we shall proceed to answer it in such manner as the nature of it requires wherein we doubt not to give you full satisfaction

March 6th 1743 [1744]

The House adjourned till to-morrow 8 °clock

Wednesday 7th of March 1743. [1744] The House met according to adjournment.

Mr Macrora Scarbrough Treasurer of Pequimons County appeared at the Barr of this House and resigned the said office of Treasurer of said County

The House adjourned for a quarter of an hour.

The House met according to adjournment.

Sent the following message to the Council by Mr James Summer and Mr William Wilson (to wit)

Gentlemen of his Majesties Council

In answer to your message in relation to the altering of the stile of address in our message to your Honours, we are of opinion whatever may have been the method heretofore that the stile mentioned in our message was proper, especially when we consider his Majesties instructions and that it is what we have always made use of in the enacting part of our Laws.

As we are very desirous of doing the Business of the Publick are unwilling to enter into any dispute but we apprehend it was a mistake

when in your Message you call this House the House of Burgesses this House being stiled by his Majesties Instructions and also in the Laws themselves the General Assembly.

By order SAM[l] SWANN Speaker.

7[th] March 1743. [1744]

The House adjourned till 3 °clock.

P: M: The House met according to adjournment

Read the read Bill a second time and sent it to the Council by M[r] John Swann and M[r] George Moore.

M[r] William Faris moved for leave to absent himself from the service of this House.

Ordered he have leave accordingly.

M[r] John Barrow moved for leave to bring in a bill for appointing a place for holding the Superior Courts of Justice in this Province and settling the several publick offices in the same.

Ordered That the Committee consist of the following Gentlemen (to wit)

M[r] Thomas Barker M[r] John Hodgson M[r] Wyriot Ormond M[r] John Swann M[r] John Barrow. And that they prepare and bring in the same.

The House adjourned till To-morrow 8 °clock.

Thursday the 8[th] of March 1743. [1744] The House met according to adjournment.

M[r] Samuel Taylor one of the Members for Northampton county appeared.

Received from the Council the following message (to wit)

M[r] Speaker and Gentlemen

Your message of yesterday by M[r] Wilson and M[r] Summer not being satisfactory has induced this House to the resolutions herewith sent you.

March 8[th] 1743. [1744] In the Upper House of Assembly.

Upon reading and considering the message of this morning sent up by M[r] Summer and M[r] Wilson this House came to the following resolutions. Nem: Con:

Resolved That it is the opinion of this House that the message received this morning from the House of Burgesses in answer to one of this House yesterday relateing to the alteration of stile used to this House is by no means satisfactory and that the said message of this morning is a continuation of the affront and indignity put upon this House yesterday

Resolved That it is the opinion of this House that the Message of yesterday from the House of Burgesses to this House sent up by Mr Starkey and Mr Hill in which the usual stile of address was altered was intended and put on foot by some evil disposed persons to disturb the Harmony and good understanding that has hitherto subsisted between the two Houses thereby to serve some sinister end and obtain some extraordinary demand they may have in view.

Resolved That this House will not receive any Message from the House of Burgesses to transact publick Business with that House until satisfaction be given to this House for the said affront and indignity

By order of the Upper House RICHARD LOVETT Clke

Upon reading and fully considering the message and resolves of yesterday sent from the Council to this House This House has resolved (Una Voce)

That the alteration of the stile of address from this House to the Council from may it please your Honours to that of Gentlemen of his Majesties Council in our message of the sixth instant in answer to their message sent down with the Bill for sinking the present Bills of Credit was not done with any design of affronting or offering any Indignity to them but was thought by this House to be most proper it being agreeable to his Majesties Instructions that they should be called the Council in the enacting part of our Laws.

Resolved That it is the opinion of this House that the Council have no just reason to believe that the alteration of the stile of address aforesaid was altered to affront them neither have they given or offered to give any reason to this House why it should not be altered

Resolved That the second resolve of the Council is a high affront to this House and a breach of the priviledges thereof and put on foot by some evil disposed persons to destroy the Harmony and good understanding that hath subsisted between the General Assembly and his Majesties honourable Council are Arbitrary and tend to subvert the Liberties and priviledges of this House as representatives of the people

His Excellency the Governour was pleased to command the immediate attendance of this House in the Council Chamber

The House in a full Body waited on his Excellency the Governour in the Council Chamber When his Excellency was pleased to dissolve this Assembly

Test WILLm HERRITAGE Clerk Genl Assembly.

North Carolina—ss.

At an Assembly begun and held at Newbern the fifteenth day of November one thousand seven hundred and fourty four in the eighteenth

year of the reign of our sovereign Lord George the second by the grace of God of Great Britain France and Ireland King and so forth being the first Session of this present Assembly.

Pursuant to the returns of the severall writts of Election for the severall Counties and Towns within the aforesaid Province the following Members appeared, (to wit)

Onslow—Mr Samuel Swann Mr John Starkey

New Hanover—Mr John Swann Mr George Moore

Carterett—Mr Thomas Lovick.

Craven—Mr William Brice Mr Richard Nixon

Beaufort—Mr John Barrow.

Hyde—Mr Samuel Sinclare.

Tyrrell—Mr William Kennedy, Mr Edmd Smithwick Mr Stevens Lee Mr Samuel Spruel

Bertie—Mr James Castellaw Mr Thomas Barker

Northampton—Mr Samuel Taylor.

Edgecombe—Mr Jos. John Alston Mr John Pope

Pequimons—Mr Wm Waite

Pasquotank—Mr Griffeth Jones Mr Wm Williams Mr Wm Burgess, Mr Jos. Humphries

Currituck—Mr John Leary.

Newbern—Mr Wm Wilson

Wilmington—Mr Wm Faris

Took the oaths appointed for their qualification subscribed the test and took their seat accordingly.

Fryday the 16th of Novr 1744

The foregoing Members appeared.

His Excellency the Governor was pleased to send a Message commanding the Members attendance in Council Chamber.

The Members waited on his Excellency in the Council Chamber when his Excellency was pleased to direct them to return and make choice of a speaker. The Members returned.

Mr William Faris proposed that Mr Samuel Swann be chosen Speaker to which there was no objection and Mr Samuel Swann was accordingly chosen.

Then the House presented him to his Excellency for Approbation. His Excellency was pleased to approve of their choice and made the following speech.

The House returned and ordered the same to be read which was as follows, (to wit)

GENTLEMEN OF HIS MAJESTIE'S COUNCIL, M^r SPEAKER & GENTLEMEN OF THE HOUSE OF REPRESENTATIVES,

I think I cannot oppen the Assembly in a more proper manner than by laying before you a true and plain state of your publick Affairs and I am heartily concerned that I can't represent them to you in a more agreable light.

Gentlemen you are sensible that the time for circulating your Bills of credit expires this month & that in a few months more they can no longer pass in any payments.

It is a great misfortune that this important affair has been so long delayed.

If former Assemblys had thought proper to have entered seriously into this matter the first or second time I recommended it to them a proper Bill might have been framed and his Majestie's consent obtained before these present Bills had expired which would have preserved the publick faith Quieted the minds of his Majestie's subjects and rendered all dealings in private life safe and easy.

Who are to be blamed for neglecting an affair of so much consequence or how these valuable ends I have mentioned can be now obtained is what I shall not pretend to determine.

But shall proceed Gentlemen to put you in mind that with your Bills the Law for appointing Circuit Courts expires A law which has produced the best effects of any I have had the pleasure of giving my assent to, and which the Country cannot now be without and therefore I hope you will loose no time to revive.

That your Coasts are naked and exposed is what you have been often told, and when his Majestie was willing most generously to assist you in fortifying the most exposed places of this Province his Bounty has not been accepted of is notorious to everybody.

Now a warr with France is begun with the greatest vigour and animosity on both sides, now when we may expect that the Enemy will invade and insult every corner of his Majestie's Dominions, Why the trade and navigation of the whole Province, why the lives and propertys of our fellow subjects living in the same society and under the same laws for the sake of a triffling expence should be so entirely neglected is to me perfectly unaccountable.

And now I am upon this subject I can't help mentioning to you the many defects of your militia law they are so notorious I need desend to particulars, and I am sure this is a proper season to rectifie things of this nature.

I hope you will also consider what I have so often taken notice of formerly that is the shamefull condition of your Laws, How long Gentlemen must the Guardian and great security of all your lives & fortunes be left at the mercy of every ignorant transcriber and tossed about on loose scraps of paper I wish Gentlemen you may rescue your Laws from such unhandsome usage.

I am sure it will tend much to your Honour and to the advantage of the people you represent.

One great cause of all these misfortunes is the want of a fixed place for the dispatch of publick business.

It is impossible to finish any matter as it ought to be while we go on in this itinerant way.

I am sensible I have it in my power to settle this point with the advice of his Majestie's Council, but I assure you I cannot without great regret determine a matter that is of so much consequence to every man in the Province without your consent and concurrence which I shall always be glad to be guided by.

We have now tryed every Town in the Colony and it is high time to settle somewhere.

M^r^ Speaker & Gentlemen of the House of Burgesses, I hope you will apply yourselves to relieve your unhappy Country from these and many other misfortunes it at present groans under with diligence and zeal that no room may be left for those jealousies and animosities which have so fataly retarded publick Business in former Assemblies.

GAB. JOHNSTON

The House appointed John Harlow Messenger and Benjamin Fordham Doorkeeper

The House adjourned till to morrow morning 10 o'clock

Saturday the 17^th^ November 1744. The House met according to Adjournment.

M^r^ Arthur Mabson one of the Members for Carteret County appeared.

Mr. Thomas Brown and Mr. Joseph Clark the two Members for Bladen County also appeared, took the oaths appointed by Law for their qualification subscribed the test and took their seats in the House according.

Mr. William Farris from the Committee appointed to prepare an address to his Excellency the Governor in answer to his Excellency's speech, brought an address which he read in his place.

Ordered the same be engrossed.

Read the petition of George Outlaw of New Hanover County praying to be exempt from paying taxes and all publick duties. Granted.

Read the petition of Valentine Wallace of Carteret County praying to be exempt from musters & working on the roads. Granted.

Read the petition of John Webster of Carteret County praying to be exempt from musters and working on the roads. Granted.

The House adjourned till 3 o'clock.

P. M. The House met according to Adjournment.

His Excellency the Governor sent a message to this House commanding their imediate attendance in the Council Chamber.

Mr Speaker and the rest of the Members waited on His Excellency in the Council Chamber when Mr Speaker declared to him the following address (to wit)

To his Excellency Gabriel Johnston Esqre Captain General, Governor & Commander in Chief in & over his Majestie's Province of North Carolina.

The humble Address of the General Assembly of said Province

MAY IT PLEASE YOUR EXCELLENCY,

We should be much wanting in duty to ourselves and especially as a body of Representatives met in Assembly if we did not take the first opportunity of acknowledging the satisfaction we have from your Excellency's speech so well calculated to put us in mind of the unhappy state of our currancy the defenceless condition of our coasts the great uncertainty of every man's property for want of reviseing and printing our Laws the necessity there is for supporting the Law for appointing Circuit Courts, the fixing some place where the Publick Office may be kept and for mending the Militia Law, in these and all other matters that may come before us your Excellency may be assured we are resolved to preserve that strict regard to the publick good and the Honour of this Assembly, so as to decline all debates and disputes but what effect these valuable purposes in which we are fully confident we shall have your Excellency's hearty approbation and concurrence.

SAM. SWANN Speaker.

For which his Excellency was pleased to thank this House.

Mr. Speaker & the rest of the Members returned

Mr. Farris moved that a Committee be appointed for stating and settling the Publick Accounts of this Province and the following persons were accordingly appointed. (to wit.) Mr. John Swann, Coll. Wm Wilson Mr. Tho. Barber Mr. John Starkey Mr. Wm Farris.

Mr. John Starkey moved that a Committee be appointed for settling and allowing Publick Claims of this Province and the following persons

were accordingly appointed (to wit) Mr. Thomas Lovick Mr. Samuel Sinclare Mr. Edmond Smithwick Mr. George Moore Mr. James Castellaw.

Mr. John Starkey moved that a Committee be appointed to receive propositions and grievances and the following persons were accordingly appointed. Mr. Arthur Mobson, Mr. Jos. Clark, Mr. W^{m} Brice, Mr. John Leary, Mr. Sam. Taylor, Mr. John Smith, Mr. W^{m} Burgess, Mr. Stevens Lee, Mr. Jos. John Alston, Mr. W^{m} Waite, Mr. James Castellaw, Mr. Henry Baker.

Mr. William Farris moved that a Committee be appointed to consider ways and means for sinking the present currency.

Ordered that the motion be delayed till Monday.

The House adjourned till 10 o'clock Monday morning.

Monday 19th November 1744. The House met according to Adjournment.

Mr. John Hodgson, Mr. Joseph Anderson, Mr. Henry Baker & Mr. Dempsy Sumner four of the Members for Chowan County appeared.

Mr. Benjamin Peyton one of the Members of Beaufort County appeared.

Mr. James Craven Member for Edenton appeared.

Mr. Michael Coutauch Member of Bath Town appeared.

Mr. John Smith one of the Members for Hyde County appeared.

Mr. Tully Williams and Mr. M^{c}Rora Scarborough two of the Members for Pequimons County appeared.

Mr. John Spiers one of the Members of Tyrrell County appeared and took the oaths by Law appointed for their qualification subscribed the test and took their seats in the House accordingly.

Ordered That Mr. James Craven and Mr. Joseph Anderson be added to the Committee of stating and settling the publick Accounts of this Province.

Ordered That Mr. John Smith and Mr. John Barrow be added to the Committee to receive propositions and grievances.

Mr. Farris moved that a Committee be appointed as well to consider of ways and means for sinking the present Currency as also to consider of bringing in a Bill for a new Emission of Currency.

Ordered That the following persons be appointed of said Committee (to wit)

M^{r} Anderson M^{r} Hodgson M^{r} Starkey M^{r} Craven M^{r} Baker M^{r} John Swann M^{r} Farris M^{r} Castellaw and M^{r} Dempsy Sumner and they were accordingly appointed.

Sent the following message to the Council.

GENTLEMEN OF HIS MAJ^tie's HON^ble COUNCIL,

We have appointed M^r John Swann, M^r John Starkey, M^r William Wilson, M^r W^m Farris, M^r Thomas Barker, M^r James Craven & M^r Joseph Anderson a Committee for stating and settling the publick Accounts.

And M^r Thomas Lovick, M^r George Moore, M^r Samuel Sinclare, M^r James Castellaw, and M^r Edmond Smithwick a Committee for settling and allowing publick Claims in conjunction with such Members of your House as your Honours shall think proper.

By order of the House. SAM. SWANN. Speaker.

19^th Nov^r 1744 Sent by M^r Castellaw and M^r Starkey.

The House adjourned till 4 o'clock.

P. M. The House met according to Adjournment.

Received from the Council the following message (to wit.)

M^r SPEAKER & GENTLEMEN,

In answer to your message by M^r Starkey and M^r Castellaw this House have appointed Eleazer Allen and Edward Moseley Esq^rs to be a Committee to joyn yours on the publick Accounts and Mathew Rowan and Roger Moore Esq^rs on the Claims.

By order of the Upper House RICH^d LOVETT. Clk.

Nov^r 19^th 1744.

The House adjourned till to morrow morning 11 o'clock.

Tuesday the 20^th November 1744. The House met according to adjournment.

The House adjourned till to morrow morning 9 o'clock.

Wednesday the 21^st November 1744. The House met according to Adjournment.

Mr. John Hodgson reported from the Committee appointed to consider of ways and means for sinking the present paper currency and paying the publick debts of this Province as follows (to wit.)

Resolved. That a Land tax of three pence Proclamation money for every hundred acres be annually paid by every Land Holder in Commodities as by Law rated or in Bill money for and during the space of seven years to be collected by the Sheriff in every County at the times and in manner as all other taxes are paid. And that all persons who hold no lands in their own right shall annually pay a tax of one shilling Procla-

mation money ℔ pole for every taxable person in their families for the said seven years to be collected & paid in the same manner as other taxes are and that the Sheriff shall annually sell the Commoditys and shall account with the Assembly and bring the Bills to be burnt annually.

Resolved. That for discovering what quantity of Lands are held by the proprietors every Land holder shall on or before And so yearly give an account on oath to a Magestrate of the County where he resides or to the County Court of the quantity he holds and where scituate under a penalty & that every Magestrate shall return such Accounts of Lands taken by him to the next County Court under a penalty and that the Clerk of each County Court shall make out a true Copy of all such accounts of Lands returned to the Courts by the Magestrates & returned to the Court by the persons themselves to be delivered to the Sheriff of the County under a penalty for which each Clerk shall be allowed a certain summe to be paid by the Sheriff out of the money collected and which shall be allowed in his accounts.

Resolved That every person who doth not hold in his own right one hundred acres of Land for every tithable person in his family shall pay for every tithable he hath more than one Taxable for every hundred acres one shilling Proclamation money ℔ pole so as to make a more equal Taxation and that the Sheriff shall make distress for non payment of these taxes as of other Levys Which he read in his place

Ordered That Mr Anderson, Mr Hodgson, & Mr Thomas Barker prepare and bring in a Bill pursuant to the above report.

Mr Farris moved that the House resolve into a Committee of the whole House to debate the propriety of a new Emission of Currency.

Resolved The House resolve into a Committee of the whole House accordingly.

The House resolved into a Committee of the whole House and chose Mr Samuel Sinclare Chairman.

The Committee having fully debated the matter relating to the propriety of bringing in [a] Bill for emitting a new Currency

Resolved That a Bill be brought in accordingly.

Mr Speaker resumed the Chair.

Mr Chairman reported that the Committee are of opinion that a Committee be appointed to prepare and bring in a Bill for a new Emission of Currency. To which the House assented and

Ordered That Mr Wm Farris, Mr John Swann and Mr John Starkey do prepare & bring in a Bill accordingly.

The House adjourned till 3 o'clock.

P. M. The House met according to Adjournment.
The House adjourned till to morrow 10 o'clock.

Thursday the 22nd of Novr 1744 The House met according to Adjournment.

Read the Petition of several of the Inhabitants of that part of Currituck called Matamuskeet. Praying a Bill be brought into this House to annex the same to Hyde County

Ordered. That Mr. Sinclare prepare & bring in a Bill pursuant to the Petition

Read the Petition of several of the Inhabitants of Chowan and Pequimons County. Praying a Bill be brought into this House to erect the upper part of said Counties into a distinct County.

Ordered That Mr. Sumner prepare and bring in a Bill pursuant to the said Petition.

Read the Petition of several of the Inhabitants of Pasquotank County. Praying a Bill may be brought in to erect the east side of Pasquotank river into a distinct County.

Ordered That Mr. William Burgess do prepare and bring in a Bill pursuant to said Petition.

Read the Petition of the upper Inhabitants of Craven County. Praying the upper part of Craven County may be erected into a distinct County.

Ordered. That Mr. Nixon do prepare and bring in a Bill accordingly.

Mr. Barrow moved for leave to withdraw from the service of this House on Saturday next until Wednesday following.

Ordered. To have leave accordingly.

The House adjourned till 3 o'clock

P. M. The House met according to Adjournment.
The House adjourned till 9 o'clock to morrow morning.

Fryday the 23rd of Novr 1744. The House met according to Adjournment.

Mr. Henry White one of the Members for Currituck County appeared and Mr. John Dawson one of the Members for Northampton County also appeared and took the oaths by Law appointed for their qualification subscribed the Test and took their seats in the House accordingly.

Mr. Hodgson from the Committee appointed for ways and means, for sinking the now current Bills of Credit and for discharging the Publick debts and for other purposes therein mentioned reported that they had prepared a Bill for the above purpose. Which he read in his place.

Ordered The same pass & be sent to the Council.

Sent the foregoing Bill to the Council by Mr. Hodgson & Mr. Barker.

The House adjourned till 3 o'clock.

P. M. The House met according to Adjournment.

Mr. Barker moved that Mr. Thomas Lowther Accountant to this House be sent for in custody of the serjeant.

Resolved That he be sent for and that Mr. Speaker issue his warrant accordingly.

Mr. Barker moved that the absent Members who have not been excused by this House be sent for in custody.

Mr. Farris objected to the said motion and moved that the sending for the said Members be delayed.

Mr. Kenneday brought in a Bill for an Act for the better regulating the Militia of this Government. Which he read in his place.

Ordered The same lye on the Table.

Mr. Michael Coutauch moved for leave to withdraw from the service of this House till Tuesday next.

Ordered He have leave accordingly.

Mr. Benjamin Peyton moved for leave to withdraw from the service of this House till Monday next.

Ordered. He have leave accordingly.

The House adjourned till 9 o'clock to morrow morning.

Saturday the 24th of Novr 1744. The House met according to Adjournment.

Mr. Starkey brought in a Bill for an Act for laying out the several Counties therein named to make new roads and so forth. Which he read in his place.

Ordered The same pass & be sent to the Council Sent by Mr. George Moore & Mr. Sinclare.

Mr. Sinclare moved for leave to withdraw from the service of this House till Monday next.

Ordered He have leave accordingly.

Mr. Farris moved that Mr. Speaker may issue his warrant to bring before the Committee appointed by this House to examine, settle and state the publick Accounts all such persons who are Accountants to the House.

Resolved Mr. Speaker issue his warrant accordingly.

Received from his Majestie's Council the Bill for an Act for sinking the present Currency.

24th Novr 1744. In the Upper House read the first time & passed with Amendments.

Mr. Brice moved that John Risnover be exempt from working on the roads and musters. Granted.

Mr. Brice moved that Francis Hill be exempt from paying taxes. Granted.

The House adjourned till 10 o'clock Monday morning.

Monday 26th of November 1744. The House met according to Adjournment.

Mr. Brice moved that a Committee be appointed to bring in a Bill for an Act for appointing a place for holding the supream Courts of Judicature and transacting other publick business. And the following persons were appointed a Committee for that purpose. Mr. Brice, Mr. Barker, Mr. Starkey, Mr. Anderson, and Mr. Hodgson.

The House adjourned till 3 o'clock.

P. M. The House met according to Adjournment.

Received from the Council the Road Bill. Endorsed. In the Upper House read the first time and passed with Amendments.

Mr. Farris moved that the Bill for sinking the present Bills of Credit Which was read accordingly

Mr. Farris moved the House be resolved into a Committee of the whole House to debate on the subject matter of the said Bill.

Resolved. The House resolve into a Committee of the whole House.

The House resolved into a Committee of the whole House And unanimously chose Mr. Sinclare Chairman—After some time spent therein the Committee resolved that several amendments be made in the said Bill.

Mr. Speaker resumed the Chair.

Mr. Chairman reported that the Committee had resolved that several amendments be made in the said Bill And reported the same accordingly.

Ordered The same amendments be made which was accordingly done.

Ordered The said Bill be sent to the Council.

The House adjourned till 9 o'clock to morrow morning.

Tuesday the 27th November 1744. The House met according to Adjournment.

Sent the Bill for sinking the Currency to the Council with amendments by Mr. Moore & Mr. Sinclare.

Mr Nixon brought in a Bill for erecting the upper part of Craven County into a County by the name of County and for impowering the Justices of said County to lay a pole tax of Proclamation money on the tithable Inhabitants of the same and for defraying the charges &

expences of building a Court House, Prison and Stocks in said County and for other purposes therein mentioned. Which he read in his place.

Ordered The same be sent to the Council.

Sent the above Bill to the Council by Mr. Nixon and Mr. Brice.

Read the Petition of George Gould Surveyor General of the Province aforesaid. Praying this House would enable him by note or otherwise to take such Fees for surveying Lands as to them shall seem meet untill a Law may pass for settling the same.

Resolved. That the Petitioner demand and receive for each and every Survey he shall hereafter make by himself or Deputy the summe of ten pounds currant Bills of Credit until other provision shall be made by this House.

The House adjourned till 3 o'clock.

P. M. The House met according to Adjournment.

Read the Petition of Timothy Clancy of Onslow County. Praying to be exempt from working on the roads & musters. Granted.

Read the Road Bill the second time and passed with Amendments.

Ordered The same pass & be sent to the Council.

Sent the above Bill to the Council by Mr. Starkey and Mr. Mabson.

Mr. Nixon moved for leave to bring in a Bill to enable persons therein named to account with demand and receive of the Commissioners appointed for building a church in New Bern.

Ordered He have leave and that he prepare and bring in the same.

The House adjourned till to morrow 3 o'clock.

P. M. Wednesday 28th Novr 1744, p. m. The House met according to Adjournment.

The House adjourned till to morrow 9 o'clock.

Thursday 29th Novr 1744. The House met according to Adjournment.

Mr. Abraham Doncan was allowed the summe of twenty five pounds for House rent for the Council February Sessions of Assembly at Bath Town 1743.

The House adjourned till 3 o'clock.

P. M. The House met according to Adjournment.

Mr. Burgess brought in a Bill for an Act for erecting the North East side of Pasquotank County into a County by the name of Middlesex County and for impowering the justices of the said County to lay a levy or pole Tax of Proclamation money on the tithable Inhabitants of the same for defraying the charges and expenses of building a Court House

Prison and Stocks in said County and for other purposes therein mentioned. Which he read in his place

Ordered the same pass and be sent to the Council.

Sent the above Bill to the Council by Mr. Burgess and Mr. Sumner.

Mr. Sumner brought in a Bill for an Act for erecting the upper part of the County of Chowan and the County of Pequimons into a County by the name of . County and for impowering the justices of said County to lay a levy or pole tax of Proclamation money on the tithable inhabitants of the same for defraying the charges and expences of building a Court House Prison and Stocks in said County and for other purposes therein mentioned. Which he read in his place.

Ordered the same to pass & be sent to the Council.

Sent the above Bill to the Council by Mr. Burgess and Mr. Sumner.

Sent the following message and resolve to the Council (to wit.)

GENTLEMEN OF HIS MAJ^ties^ HON^ble^ COUNCIL,

We have considered the Petition of George Gould Surveyor General of this Province and have passed the following resolution (to wit.)

In the General Assembly Resolved, That the said George Gould demand and receive for each and every survey he shall hereafter by himself or Deputy, make the sum of ten pounds Current Bills of Credit until other provision shall be made by the General Assembly.

And desire your Honour's Concurrence thereto. By order of the House. SAM. SWANN, Speaker.

Mr. Stevens Lee reported from the Committee of Propositions and Grievances as follows (to wit.)

Resolved by this Committee that no produce of this Province, being accepted in payment of Quit rents of late years nor the current Bills at less than ten for one which is equal to sterling money as this from the great scarcity of Silver and Gold puts it entirely out of the power of the greatest part of the inhabitants of this Province to pay their Quit rents, being contrary to the Grand Deed and also a Law of this Province, is a very great grievance.

Resolved by this Committee that several persons pretending to hold or claim great tracts of Land in this Province by warrants, and keep the same uncultivated and where there have been surveys upon the said warrants the persons claiming by virtue of the said warrants pretend their Lands have not been surveyed according to their warrants which pretence prevents many persons settling in this Province is a very great grievance.

That all Officers demanding new fees by authority of the Governor and Council for longer time than till the end of the next General Assembly after such order is contrary to the Law and a grievance.

And that any Court appointing new fees is contrary to the Laws of this Province and to the right of the subject.

Resolved by this Committee that the payment of the Powder money and footage money hath not answered the end designed, the Vessells having paid more for pilotage to Pilots since that Law than before is a grievance.

Resolved by this Committee that all single men & other strollers hunting, killing the Deer at all times leaving the carcases in the woods which bring down the vermin and increase them and also burn the herbage rarely pay any taxes or tend any corn is a grievance. And the Committee further recommend to the House that such persons should be obliged to plant and tend Corn and give security for their taxes under a penalty.

Resolved by this Committee that the property of all unmarked stocks are invested in the owners of the Land they range upon, or the stocks they range amongst unless any special property can be proved. And it is the opinion of this Committee that the rangers commission as it is now executed in killing people's unmarked stocks and driving about their marked stocks by Deputy's rangers or their Deputies' Deputies is a Grievance therefore [it is] our opinion that the House Do address His Excellency the Governor to move the Grievance aforesaid.

Resolved. That the preferring indictments at the General Court cognizable in the Circuit Courts against persons living within the jurisdiction of the same is a Grievance.

Resolved by this Committee that all malicious prosecutions against innocent persons when acquitted by the jury, Fees demanded from them by the Officers is A Grievance.

Resolved by this Committee that the attendance of twenty four jurors out of each County as jurors at the Assizes without anything to defray their expenses is A Grievance as less numbers might do and those allowed out of the Counties tax.

Resolved by this Committee that the practice of the several Sheriffs in the North part of this Province in summoning forty eight Grand Jurymen from eight Counties to serve at the General Court and great fines levied on those that do not appear when those that do appear have no allowance for their time nor expences is A Grievance.

Resolved by this Committee that to the Inhabitants of many Counties in this Province, the want of appointing military Officers to prevent General Musters is found to be very oppressive to such persons being

obliged to attend General Musters out of the several Counties where they live is A Grievance.

HENRY BAKER	JOSEPH CLARK
STEVENS LEE	JOS. J^{no} ALSTON
ARTHUR MABSON	W^{m} WAITE
WILLIAM BRICE	SAM^{l} TAYLOR
JOHN SMITH	JOHN SURRY.
WILLIAM BURGESS.	

To which the House concurred.

Received from the Council the Bill for sinking the present currency. Endorsed in the Upper House the second time and passed.

And also the following Message with the said Bill.

MR. SPEAKER AND GENTLEMEN,

We send you the Bill for sinking the Bills of credit read in our House a second time and passed with such amendments as we conceive material and necessary to the end for which it is intended But as your House may differ perhaps in opinion with us, in the said Amendments, and as we are very willing to preserve that harmony and good understanding that ought to subsist between us. We therefore thought proper to send you our reasons, why we have judged such amendments necessary.

The first and most essential is the alteration of the nature of the Tax which we have made at 6^{d} per hundred acres on all Lands, and the like summ on all Tithables inclusive of all slaves of any age, sex or denomination.

The reason for this was that we have never received any scheme or calculation from you of the number of acres of Land in this Province, we formed a judgement by one of our own, which we have reason to believe is pretty exact and having allowed two million five hundred thousand acres of Land taxable in the Province, and sixteen thousand Tithables we found that the annual summ these two articles would raise at the aforesaid rate amount to no more than nine hundred and fifteen pounds proclamation ℔ annum which summe will sink the Bills in a little less than eight years but as this tax may probably be augmented by the addition of other lands and tithables within that space we thought it might be sufficient for the purpose within the time limited by the Bill, And to bear the charge that must necessarily attend the execution of it.

The next material alteration we have made is the species this tax was to be paid in and the method of collecting it, both which we think were left too loose and vague in the Bill as it came to us, all references to other laws in cases of this nature being in our apprehensions only so many

holes and skulking places left open to evade the execution of it especially in this case when it is considered that the Law this Bill is supposed to referr to has still a reference to a prior Law & that Law repealed.

For these reasons we have specified the particulars in which this tax is to be paid, and therein mention but two Commodities, because they are both of them of universal value and may be easily brought to the place of payment Whereas had we included other bulky and perishable Commodities the charge attending their collection, the loss on the sale of them and other defalcations would have occasioned so considerable a reduction in the tax, that the end of it would in great measure be defeated.

It was for these reasons we made the Amendments as to the Commodities and the method of collecting them must follow of course.

The last Amendment Gentlemen is the striking out the clause for an allowance to the Council & Assembly and we should be heartily glad our reasons for this were fewer and less cogent than they are, nor can we conceive the least shadow of reason why this clause should be incerted in this Bill unless both Houses will consent to joyn in proclaiming that they are still resolved to persist in that little regard too often shewn to publick faith heretofore, a circumstance every man's understanding will suggest to him only on the consideration of the several laws that have been past since the year one thousand seven hundred and thirty four and five with regard to Taxes & Bills of credit which there is no reason to recapitulate because there are so many of your House who remember the affairs.

If you think Gentlemen that the payment of the Council and Assembly for their past services is of such consequence and a matter of justice you will at the same time think that the debts of the Province already allowed for several Committees should be likewise provided for and then a publick tax for that purpose only deducting what summs are due to the publick on the several acts whereby money has been raised will surely be thought as necessary and in this shape we think the two Houses can hardly disagree with each other on the matter.

The two alterations on the Title and preamble of the Bill you'l see to be necessary from the nature of the thing.

By order of the Upper House RICH^{d} LOVETT Clk.
November 29th 1744.

The House adjourned till 9 o'clock to morrow morning.

Fryday the 30th November 1744. The House met according to Adjournment.

Received from the Council the message sent to them yesterday in relation to George Gould Esq^re^ Surveyor General. Endorsed in Council 29^th^ November 1744. Concurred to.

ELEAZ: ALLEN Chairman.

The House adjourned till half an hour past 3 o'clock.

P. M. The House met according to Adjournment.

The House adjourned till 9 o'clock to morrow morning.

Saturday the 1^st^ December 1744 The House met according to Adjournment.

The House adjourned for an hour

The House met according to Adjournment.

Sent the following message to the Council by Mr. Farris and Mr. Sinclare, to wit

GENTLEMEN OF HIS MAJ^TIES^ HON^BLE^ COUNCIL

We shall in the strictest manner always endeavour to keep up that harmony and good understanding between the two houses so essentially necessary to the well transacting the business of the publick therefore as we cannot agree with you in the several amendments you were pleased to make to the Bill for sinking the publick Bills of Credit on it's second reading in your House, have by other amendments endeavoured to remove the causes of your objection and instead of a general tax of six pence per hundred acres of land and six pence on Tithables we propose a tax of one shilling and four pence on the Tithable persons in this Province only which we think will effectually answer the purpose intended by the said Bill in eight years the time now proposed. And we hope you will joyn in opinion with us when you consider on a moderate calculation there may be fourteen hundred thousand tithable persons in this province and there will be also a yearly encrease of them, the reason you give for your second Amendment of the said Bill, is that the species the Tax was to be paid in and the method of collecting it were left too loose and vague to remedy we have referred to the particular laws that are now in force, And the several commodities payable for other publick Taxes by those laws, (except beef) we have agreed shall and may be paid in discharge of this Tax, as we are of opinion that after all necessary charges & deductions are allowed this tax will be sufficient to answer the end designed.

As to your last Amendment in intirely striking out the clause for the payment of other publick debts we must desire you to consider that this Bill is calculated for sinking the whole of the Publick Bills of Credit

that are now subsisting current in this Province as a debt occasioned by the funds for sinking the same being unavoidably broke in upon by the several exigencies that have happened on the affairs of this Province and as the summe to be raised by this tax will sink the whole Bills that have emitted in the space of eight years as is proposed

And that a summe of money will be remaining in the hands of the Treasurers of the several Countys near sufficient to pay of the other debts due from the Publick we cannot see there is any shadow of reason why those money should not be applyed to that purpose, as such an application would not in any manner break in on the fund or tax now laid which as we before observed will sink the whole of the Bills of Credit that have been emitted in this Province in the time in the said Bill limitted. Therefore we have again incerted the clause for applying the money in the hands of the several Treasurers as aforesaid to the payment of several summs due from the Publick to the several persons as by the estimate annext to the Bill will appear and for the compleating of which desire your Honours will send an estimate of what is due to the Members of your House to be incerted. And we hope you can have no objection to a Bill so well calculated for sinking the Bills of Credit And paying the just debts of the Publick which are the only ends designed by it.

Mr. Castellaw produced the reports from the Committee of Publick Claims to this House which was agreed to.

The House adjourned till Monday 10 o'clock.

Monday the 3^{d} December 1744. The House met according to adjournment.

Mr. M^{c}rora Scarborough acquainted this House that Mr. George Durant one of the Members for Pequimons County is dead therefore moved his Excellency the Governor be addressed to order the Clerk of the Crown to issue a writ to elect a Member to serve in the General Assembly in the room and stead of the said George Durant deceased.

Resolved his Excellency the Governor be addressed accordingly.

Mr. George Moore moved for leave to be absent from the service of this House.

Ordered he have leave accordingly.

The House adjourned till 3 o'clock.

P. M. The House met according to Adjournment.

Sent the Bill for sinking the present Currency to the Council by Mr. Lovick, Mr. Scarborough.

The House adjourned till to morrow 8 o'clock.

Tuesday the 4th Decr 1744.

Mr. Craven produced the following Accounts to this House (to wit.)

THE PUBLICK OF NORTH CAROLINA TO GEORGE LISLES AND JOHN HARLOW — Dr

To executing a warrant from the House when sitting at Bath on Mr. James Sumner a Member thereof for Pequimons County Ten days at thirty shillings per diem.	15.	"	"
To Do on Mr. Caleb Sawyer Member of Pasquotank County twelve days at thirty shillings per diem.	18.	"	"
To Do on Mr. Thomas Pindelton as above.	18.	"	"
To Do on Mr. Thomas Lowther Member for Currituck County, 14 days at 30s per diem.	21.	"	"
To Do on Mr. Thomas Hunter 12 days at thirty shillings per diem.	18	"	"
George Lisles	111.	"	"

THE PUBLICK OF NORTH CAROLINA TO GEORGE LISLES. — Dr

To executing a warrant from the House when sitting at Edenton On Mr. Simon Bryan a Member thereof for Pasquotank County six days at 30s per diem.	9.	"	"
To Do on Mr. Thomas Pendelton as above.	9.	"	"
To Do on Mr. Caleb Sawyer.	9.	"	"
To Do on Mr. Wm Surry Member for Currituck County 8 days at 30s per diem.	12.	"	"
To Do on Mr. Henry White as above.	12.	"	"
To Do on Mr. Caleb Wilson	12.	"	"
George Lisles	£63.	"	"

Resolved That the foregoing persons pay unto the said George Lisles and John Harlow the several summs to their name annexed before the next General Assembly otherwise they be sent for to answer to the House for such their contempt.

Sent the following message to his Excellency the Govr

MAY IT PLEASE YOUR EXCELLENCY,

Mr. George Durant one of the Members for Pequimons is deceased. Therefore pray your Excellency to order the Clerk of the Crown to issue

a writ to elect a Member to serve in the General Assembly in the room of the said deceased. By order of the House.

SAM. SWANN. Speaker.

Mr. Joseph Anderson from the Committee of Accounts reported as by book.

Sent the following message to the Council.

GENTLEMEN OF HIS MAJ^ties HON^ble COUNCIL.

The Committee of Accounts having received from several of the Accountants the summe of one hundred fifty two pounds seventeen shillings and eleven pence. Therefore we have resolved that the several charges for the Council room and the Committee of Claims and Accounts at Bath Town and New Bern and the Committee of propositions and grievances at New Bern To be paid as follows to wit.

	£.	s.	d.
Mrs. Lister for Council room at New Bern	30	"	"
Mrs. Howant at Bath Town for the Committee Acc^ts	15.	"	"
Mr. Ar^r Johnson for Committee claims at New Bern	15.	"	"
Mr. Adams at New Bern for Committee Accounts.	15	"	"
Mr. Higgins for Com^ttee of propositions & Grievances	6.	10	"
Mr. Maccubbins for benches for Assembly.	2.	15.	"

And that the several Clerks of the Committees after the above is paid shall be paid out of the remainder of the said money the sums following to wit.

To Richard M^cClure for acting as Clerk to Committee of Public Accounts at Bath and this present sessions.	100	"	"
To George Maccarthy C^lke Committee Claims this session.	25	"	"
To Rowland Porter Finch C^lke Committee Claims at Bath.	15	"	"

In equal proportion as far as the same will extend to which we desire your Honour's Concurrence.

By Order. SAM. SWANN. Speaker.

Sent the following message to the Council

GENTLEMEN OF HIS MAJ^tie's HON^ble COUNCIL

We send you herewith the reports of the Committee of Accounts and of the Claims that have been allowed of by this House this Sessions. And desire your Honour's Concurrence thereto.

By Order. SAM. SWANN. Speaker.

Received from the Council the following message.

Mr Speaker & Gentlemen,

On reading the Bill for sinking the now current Bills of Credit a third time in our House we find so many clauses in it lyable to exception that we have unanimously rejected it, and are heartily sorry Gentlemen a Bill of this consequence should be so clogged with forreign (as we conceive) unreasonable Clauses as to render it impossible for us to assent to without departing from our duty both to his Majesty and the whole Province which shall be always the rule of our conduct.

By order of the Upper House. RICHd LOVETT. Clke

Dated 4th Dec: 1744.

The House adjourned till 3 o'clock.

P. M. The House met according to Adjournment.

His Excellency the Governor commanded this House's immediate attendance in the Council Chamber.

Mr Speaker with the House waited on his Excellency the Governor in the Council Chamber. When his Excellency was pleased to Prorogue this Assembly to the first Tuesday in April next then to be held in New Bern.

Mr Speaker with the House returned & pronounced the Prorogation accordingly.

Test: Wm HERRITAGE Clerk General Assembly.

1745.

[From North Carolina Letter Book of S. P. G.]

North Carolina, Perquimons Feby 27, 174$\frac{4}{5}$

Revd Sir [to the Secretary]

After a tedious Passage of 14 Weeks I arrived at Virga the 23rd of Novr past & at Home in N° Carolina the 29th having suffered considerable loss in My small Estate in my long absence. I waited upon His Excellency, Gabl Johnston our Governor at whose desire I delivered to Him the Missionaries box of books (Mr. Garcia Dying about the time of my arrival) who told me that he would take care & send them to the S°Ward. I Preached several times at Kingston near Portsmouth on board the Mermaid in the passage, in the several Churches in Virga &

about 10 or 12 times in different Places where I am appointed a Missionary; Baptized about 100 Children & one adult brought up in Anabaptism the People being very well pleased with my Ministrations. There is neither Church or Glebe in this part of the Country or greater livings than about £37. 10. Sterling provided by law. However I have very lately agreed with the Vestry of Chowan Parish for £45. P^r^ Annum & to settle near Edenton; & to officiate in the Court House there in Town, two Sundays (till the Church is built) & every third at 30 or 40 Miles distance, the Parish being of vast extent & the Tythables about 1200 & few Dissenters or Sectaries among them tho' many are Perquimons & Pasquotank Counties. I mean Quakers & some Baptists, the former of which are very guilty of Railing against the Church & Minister even in Public. However I hope (notwithstanding this & other obstructions I often meet with from some few ill disposed people) by Gods gracious assistance to see the good effects of my Labours. There being several Religious Churchmen to be found & the common people are naturally teachable and ingenious & was there a Minister & Schoolmaster in every Parish (as there ought to be) there would be but few Dissenters or Sectaries in this province, as themselves declare they go to Meeting because they have not an opportunity of going to Church. I have distributed the small Tracts according to the best of my judgment in that Parish where I am about to settle for which the people return hearty Thanks to the Society & likewise for me their Missionary. I purpose (God willing) in April & May to visit every chapel & neighbourhood within my Mission—to disperse the small Tracts, Preach & Baptize and so continue to do once every year which will be about 400 Miles Riding.

I am sorry to acquaint you that the Church of Edenton is yet unfinished but now we have good hopes of its going forward; and in the mean time Divine Service is performed in the Court House, the congregation behaving with devotion & decency several of which are very desirous to receive the Holy Sacrament of the Lord's Supper. We are at a loss for a Church Bible & Common Prayer Book, having none in my library, neither is there any here to be bought. I hope in my next to write more particularly, & to yours as well as my satisfaction; as I have the Countenance of the Gov^r^ who is a pious & worthy Gent; & the good will of all good Protestants in the Place that know me; tho' my duty is very hard & I must expect to meet with some Difficulties, having already a large family to provide for.

Sir, your most, &c., CLEMENT HALL.

[From North Carolina Letter Book of S. P. G.]

Brunswick March 26. 1745

Rev[d] Sir, [to the Secretary]

During these six Months past, I have officiated only one Sunday out of this Parish. I had also accepted of an Invitation to celebrate the Holy Sacrament of our Lord's Supper in another & gave notice thereof the Sunday before But being Credibly informed on the Monday That the Vestry expressed some Resentment at my leaving them of a Sunday, I instantly dispatched a boy with a Letter of excuse. Acquainting the Gentlemen who had invited me, That I was apprehensive my Compliance with their Request would involve me in a Law Suit with the Vestry which I was firmly resolved to avoid by all means, As long as I resided among them. Not to mention the notorious Contrariety of this conduct to the least Tincture and appearance of Charity, I shall only enquire how far the Liberality of our Vestries can intitle them to lord it over me in this manner & the Venerable Society may form a Judgment from the following Particulars.

I have formerly hinted that my Salary is very ill Paid. They either do not Pay at all or when they do it is in such a way as turns to little or no account. The essential Branch of the Constitution of this Province methinks is to do as little justice as possible to Creditors they do not seem to be any wise solicitous even to save appearance in this respect. This has discouraged the importation of Goods & emboldens such as dare trade with us to insist upon the most extravagant prices. Yet one cannot persuade the Inhabitants of this Province that they are anywise to blame in this case. They are angry indeed that they have not Goods imported on reasonable terms as the two neighbouring Colonies. However to do them justice they do not boggle at the Price for if the Merchant gets the better of them here they know how to be up with him in the Payment.

For two years and upwards I have been endeavouring to recover by course of Law my first years Salary which was £161. Currency that is £16. 2. sterling, But have not been able to obtain Judgment & when I do they can Pay me with less than the third part of the real value by over rating Commodities which the Law obliges us to take in Payment. This years Salary they have paid in Rice (delivered to the Inspecter as I hear) at six shillings three pence Sterling P[r] Hundred and it sells in Charles Town for very little above two Sh[s] St[s]. Besides the misfortune here is Tho' I were willing to sell it at One S[h] Ster[g] P[r] Hundred there is

no Merchant to buy it No Vessel to carry it off and should it be all summer in this hot Climate as possibly it must, I do not know if it will be worth anything in the Fall. They cannot pay my Salary for the preceeding Year in Rice, at this high rate because they did not bring it to the Inspector before the First of February 174$\frac{3}{4}$ and they would not do it then because it was worth the money the Law rated it at, Nor would they Pay it that Year in Bills of Paper Currency, because they did not begin to sink in value then, for the Law that emitted them enacts that they shall pass Current in all Payments till the End of April 1745. The Assembly met last November & no Provision was made to indemnify such as shall have the Paper Currency in their Hands after the limited time. A great majority was of the opinion that the loss should be intirely to the Present Possessors, and that no Reparation of Damages should be made by the Public that reaped the advantage of the Emission, and hence it is that some months ago our Paper Currency is of little Service but to such as are in Debt, and thus such as are Creditors may expect to be paid off before next May with a little waste Paper, Notwithstanding His Excellency the Governor has done all he could to prevent it, I believe I should not be much mistaken if I said He had ordered the Assembly to meet again about the beginning of April, that He might give them another opportunity of doing Justice to every Man in the affair of the present currency. Some Members of the House are in hopes He may succeed, others tell me this must inevitably prove as fruitless as any of His former attempts. As concerning their words I pronounce nothing. But all I can gather from their actions is that whatever their attainments may be in other respects they are pretty well versed in the American Lotteries of cancelling any kind of obligations by the easy Method of over rating a Commodity or by causing Paper Bills of credit to be issued out where there is no Fund to support them.

My Letters of April & October have informed the Venerable Society How I agreed with this Vestry to continue their Minister another Year upon their promising to find me a House, They imagine their promise is made good by giving me leave to Lodge in the Garret of a little House, Below it serves for a Chapel of a Sunday & a School thro' the week days. My Slave cooks for himself in the open Air, & I am obliged to shift from place to place for a dinner or a Supper Frequenting their Taverns or Public Houses of Entertainment much against my inclination indeed, for I think them the very worst upon the face of the Earth in more respects than one & what is still more provoking they wonder that being thus situated I do not fancy myself in Paradise sometimes.

I have many other particulars of this nature to add, But your patience must be tired out already & I must own it is with reluctance that I so much as think of them, Pray be so good as to bear with me a little longer Now that I am taking the liberty to tell you My Resolutions, I never received a Letter from you but that dated March 23, 1741 & it is evident from my Letters to you that I have but a poor opinion of the generosity or Fidelity of our Vestry, what then, perhaps you may say, Why I am resolved to wait for advice from the Venerable Society & propose in the mean time to Perform the Duties of my Function to those of our Communion within the several Parishes & Districts of my Mission & since M^r^ Garcia's Death have also some thoughts of visiting the Parishes on the other side Neuse before the fall & so much the rather because in so doing I should yield to the Importunities of many & become more capable of giving a just account of this Colony where the Inhabitants of the Southern & Northern Parts are as much divided in Their views & interests as if they composed two different opposite States, After all I do not know if my Health will permit me to take so long a Journey. The Physician tell me it would mightily repair my Constitution to spend one Summer in a colder Climate. This Prescription might have been acceptable enough had the Rev^d^ M^r^ Garcia been still alive. But if I shall find myself under a necessity of complying with it sooner or later Hope the venerable Society will indulge me so far as to suffer me to come to London in the Summer of the year 1746. If these resolutions have the good fortune to meet with the approbation of the Venerable Society, I have my end. If not I have erred thro' necessity and shall always be proud to receive orders & Instructions from them. Since Michaelmas I have baptized 54 white children and one black. I have admitted to the Holy Communion 23 Persons & desire my half years Salary may be paid to M^r^ W^m^ Dunbar Merchant in London. I am with the greatest Submission, Rev^d^ Sir, Yours, &c.,

JAMES MOIR.

[B. P. R. O. North Carolina. B. T. Vol. 21. p. 298.]

Sir, [Gov. Gabriel Johnston]

As it is now *above three years* since we have received *any letters from you* notwithstanding we did in ours to you of the 19^th^ of July last take notice of this neglect we think we have great reason to renew our complaint on this head & likewise to observe to you that you have not been less deficient in sending us such public papers as by your instruction you

are required to do to the end that at all times we might be well acquainted with the true state and condition of His Majesty's Province under your government So we bid you heartily farewell and are

Your very loving friends, &c.,

MONSON B. LEVISON-GOWER
R. PLUMER M. BLADEN
Whitehall June 27th 1745. JA. BRUDENELL

P. S. Whereas doubts have arisen in some of His Majesty's Plantations in America whether any of His Majesty's Natural Born Subjects taken on board any of the Enemy's ships committing hostilities against His Maj. subjects and thereby guilty of High Treason may be tried as Pirates by the Courts of Admiralty in the several Plantations, We send you inclosed an Act entitled An Act to amend an Act made in the seventh year of the reign of King William the third entitled an Act for the more effectual suppression of Piracy for your conduct therein.

MONSON.

[B. P. R. O. B. T. Journals. Vol. 53. p. 20.]

BOARD OF TRADE JOURNALS.

Wednesday February 6th 1744/5

Present
Lord Monson
Col. Bladen. Mr. Plumer.
Mr. Pitt.

Read a letter from Mr. M°Culloh Commissioner for supervising and controlling the revenues and grants of land in North and South Carolina to this Board dated at Cape Fear the 27th of July 1744 inclosing copy of a letter to Mr. Johnston Governor of North Carolina dated also at Cape Fear the 6th of July 1744 inclosing likewise the following papers Viz:

Observations in relation to His Maj. Order of Council dated the 19th of May 1737 most humbly submitted to the Right Honble the Commissrs for Trade & Plantations by Henry M°Culloh.

Copy of the Representation of Henry M°Culloh to His Excellency Gabriel Johnston Esqre in Council with Observations thereon.

Copy of a Representation of Henry M°Culloh in behalf of Murray Crymble James Huey and their Associates to Gabriel Johnston Esqre Govr of North Carolina.

Ordered that enquiry should be made if he has any Agent here and that the said Agent should be desired to attend and in case he has none that Messrs. Crimble & Huey have the same notice given them.

[Page 22.]

Thursday February 7th 174$\frac{4}{5}$

The Board having been informed that Mr. Howson was Agent to Mr. M^{c}Culloh ordered a letter to be wrote to him to desire his attendance here Tuesday next in order to have some discourse with him on the subject of a letter and other papers received from M^{r} M^{c}Culloh and read as mentioned in yesterday's Minutes.

[Page 24.]

Tuesday February 12th 174$\frac{4}{5}$

Mr. Howson Agent for Mr. M^{c}Culloh after some discourse had with him on the subject of the letter and other papers received from the said Mr. M^{c}Culloh the Board acquainting him that as the grievance complained of in his said letter related to his private & not his public capacity they could not give him any assistance therein but were of opinion he ought to apply to the Council for relief.

[Page 86.]

Wednesday June 26th 1745.

The draught of a letter to Mr. Johnston Gov^{r} of North Carolina having been prepared was laid before the Board agreed to and ordered to be transcribed—and was signed the next day—June 27th

[Page 112.]

Thursday Sept^{r} 19th 1745

Read a letter from Mr. M^{c}Culloh Commiss^{r} for supervising and controlling the Revenues and Grants of Lands in North and South Carolina to the Secretary dated at Cape Fear the 15th of February 174$\frac{4}{5}$ and likewise one dated the 16th of January inclosing a Representation to this Board relating to the difficulties and obstructions he meets with in the execution of his office.

Ordered that a letter be wrote to Mr. Scrope Secretary to the Lords Comm^{rs} of his Maj. Treasury for inclosing a copy of the said Representation for the information of that Board.

[From the MSS. Records of North Carolina Council Journals.]

COUNCIL JOURNALS.

At a Council held at Newbern 4th April 1745

Present His Excellency Gabriel Johnston Esqr Gov &c

The Honoble { Nath Rice, Robert Halton, William Forbes, Mathew Rowan, Eleazer Allen } Esqrs Members of His Majesty's Council

	County.	Whites.	Blacks.
Mathew Rowan Esqr	N. Hanover		26
Nathaniel Rice Esqr	Do		17
John Mills	Craven	7	2
John Clark for John Cheek	Bladen	6	
Mark Philips	Craven	7	
John Rogers	Do	1	
John Rose	Do	7	
Thomas Smith	Do	8	2
John Becton	Do	2	2
Joseph Balch	Do	1	1
John Russell		4	

Read the following Petitions for Warrants Viz

Richard James 300 New Hanover, Do Do 200 Do, Do Do 300 Do, John Williams 200 Do, Richard Greenwood 200 N. Hanover, Nath Rice and Epa Vernon 400 Do, Do Do 400 Do, Robert Callahan 200 Craven, Nathaniel Rice 250 Do, William Person 400 Edgecombe, Robert Ryley 200 Craven, William Benson 200 Edgecombe, John Egerton 300 Do, William Mannering 300 Craven, John McCaslin 200 Bladen, John Sanderson 350 Hyde, James Grange 500 Bladen, Roger Moore Esqr 320 N. Hanover, Charles Harrison 200 Do, Do Do 320 Do, Do Do 100 Do, Robert Young 300 Edgecombe, John Wade 200 Do, John Burfoot 200 Do, Job Rogers 450 Do, John Lawhorn 400 Do, Abraham Odam 100 Do, Samuel McKubbin 400 Craven, Thomas McClendon 550 Do, Henry Heaton 150 Do, Joseph Balch 200 Do, Benjamin Griften 300 Do, William Martin 400 Beaufort, Edward Phelp 300 Tyrrel Granted

Read the following Petitions for Patents, Vizt

John Sterkee 300 Onslow, John Gyles 250 Craven, James Hasell 540 N. Hanover, Do Do 300 Do, Do Do 640 Do, Moses Houlston 186 Carteret, Nathl Rice 250 N. Hanover, Isaac Buck 200 Beaufort.

Ordered by His Excellency the Governour in Council, That the Attorney General Prosecute Mr John Davis for Burning Lightwood oft the Kings Land in New Hanover County, and that this Order be his Warrant for the same.

Mr Lattimore sworn saith—That he was at the House of Samuel Goodman on Pe Dee and that there were 18 Guns fired into the said Goodmans house where the Deponant then was a Guard.

Upon Reading the Depositions of Samuel Goodman and John Hickman Setting forth &c And Hugh Lattimore and John Clark being Sworn to declare what they knew of the matter, His Excellency was pleased to Referr the Consideration thereof till tomorrow morning

At a Council held the 5th day of April 1745

Present His Excellency Gabriel Johnston, Esqr, Govr &c

The Honoble { Nathl Rice, Roger Moore, Mathew Rowan, William Forbes } Esqrs Members of His Majesty's Council

His Excellency the Governour was pleased this day by and with the unanimous consent of His Majesty's Council to Order the Attorney General at the next Court of Assize to be held for New Hanover to Prosecute John McKoy Carey Kibbs, Thomas Red and Job Red for Beating and Imprisoning and Shooting several Guns thro' the House of Samuel Goodman Esqr One of His Majesties Justices in Commission of the Peace for the County of Bladen, the said Goodman being then in the Execution of his Office and having then Edward Turner and Gilbert Turner two Horse Stealers in his Custody, and also that the Attorney Prosecute William Turner Edward Turner and Gilbert Turner.

His Excellency the Governour was also Pleased with the unanimous consent and Advice of His Majesty's Council on hearing Several Complaints against Samuel Goodman Esqr One of His Majesty's Justices in Commission of the Peace for the County of Bladen for Mal Practice in the Execution of his Office as a Majestrate, to Order the said Goodman to be struck out of the Commission of the Peace for said County

On Reading this Day at the Board the Petition of Zacharia Martin Deputy Sheriff of Bladen, setting forth, That the Justices of the County Court of Bladen had fined him Five Pounds Proclamation Money for failing to Return some Writs into the Clerks Office in due time which the Petitioner would have done but that he was at the time he should have returned the said Writs dangerously ill

His Excellency the Governour thereupon was Pleased with the advice and consent of the Council to Remit the said Fine.

At a Council held at Newbern 6th April 1745

Present His Excellency Gabriel Johnston, Esqr Govr &c

The Honoble { Nathl Rice, Mathew Rowan, Eleazer Allen, Roger Moore, William Forbes } Esqrs Members of His Majesty's Council

Read the following Petions for Warrants, Vizt

Hardy Bryan 200 Craven, Hardy Bryan 400 Do, Do Do 400 Do, Edward Bryan 400 Do, Do Do 250 Do, Do Do 400 Do, John Gyles 200 Do, John Becton 200 Bladen, Francis Spivy 100 Edgecombe, John Sanders 300 Carteret, John Becton 200 Bladen, Benja Peyton 640 Beaufort, William Eaton 200 Edgecombe, John Gyles 200 N. Hanover, Do Do 200 Craven, John Fonville 150 Do, Do Do 250 Do, James Gumley 320 Do, Samuel Vines 100 Beaufort, John Slaughter 200 Do, Abraham Ester 200 Hyde, William Watkin 400 Beaufort, Benja Martin 200 Hyde, John Worsley Junr 350 Beaufort, John Robert Lanier 300 Tyrrel, Richard Chesson 300 Onslow, John Mills 150 Craven, John Russell 200 Do, John Tendall 200 Beaufort, Simon Burney 400 Do, Edward Brown 450 Edgecombe, John Wiggins 200 Tyrrell, George Cannon 150 Beaufort, William Andrews 550 Edgecombe, John Cotton 300 Edgecombe, William Andrews 450 Do, William Taylor 300 Do, William McGee 250 Do, Samuel Ruffin 100 Do, Do Do 300 Do, William Horn 150 Do, William Watson 200 Craven, Thomas Long 300 Do, William Everett 200 Craven, Robert Rayford 150 Do, Robert Hatcher 250 Do, Henry Jernigan 200 Edgecombe, Abraham Sheppard 200 Craven, Moses Horn 350 Edgecombe, Thomas Kearney 200 Do, Do Do 200 Do, George Deemy 200 Craven, Benjamin Sanders 150 Do. Granted.

Ordered that the Surveyor Return a Survey of Worseley and Brickles Land.

Read the following Petitions for Patents, Vizt

William Eaton 300 Edgecombe, Isaac Buck 200 Beaufort, Robert Clark 100 Craven, Richard Holland 200 Edgecombe, Christo Guinn 102 Do, Charles Stevens 206 Edgecombe, David Whitney 200 Do, William Boshen 240 N. Hanover, John Edwards 595 No Hampton, John Tindal 100 Beaufort, Nevil Bell 200 Carteret, William Kennaday 200 Craven, Robert Howell 100 Bertie, John Tindall 200 Beaufort, Thomas Howell 200 Craven, William Henderson 150 Do, William Bush 300 Do, William Martin 100 Beaufort, Do Do 400 Do, Charles Cavenah 200 Edgecombe, Abraham Odam 200 Do, John Hennard 200 Do, Joseph Howell 200 Do, John Hennard 150 Do, Joseph Anderson 560 Do, Do Do 335 Do, Do Do 2000 Do, Do Do 125 Do, Do Do 460 Do, Do Do 660 Do, Do Do 625 Do, Do Do 400 Do, Abraham Odam 200 Do, Abraham Odam 200 Edgecombe,

William Eaton 400 D°, D° D° 300 D°, Theop^{s} Weeks 100 Onslow, Gersham Howland 450 D°, John Harrington 400 Beaufort, Benjamin Hodges, 300 D°, William Cannon 400 D°, Isaac Chevanneaux 150 Hyde, John Smith 100 D°, William Congleton 300 Beaufort, Roger Mason 50 Hyde, D° D° 100 D°, William Dunbarr 300 Beaufort, Henry Snoad 300 D°, Edward Outlaw 280 N. Hanover, William Williams 640 D°, James Hazell 640 D°, John Grenade 300 Craven, Thomas Dudley's Petition for an Escheat Patent Granted, William M°Henry Petition for a Platt Granted.

Read the Memorial of Eleazer Allen Esq^{r} [in] the following Words, to wit.

North Carolina

To His Excellency Gabriel Johnston Esq^{r} Governour of North Carolina in Council

The Memorial of Eleazer Allen Esq^{r} Receiver General of the said Province Sheweth.

That your Memorialist some time in November last Received a Letter from Henry McCulloh Esq^{r} Commission of the Quit Rents Dated Socrate the 10th November 1744 wherein among other things he charges Your Memorialist as he apprehends with an Intention to defraud the Crown by not giving due Credit for Tobacco and other Commodities Received by Virtue of the Quit Rent Law, In the following words, Viz^{t}

In looking over your last account of the Receipts of Quit rents Delivered to the Deputy Auditor, I find that you have only credited the Crown for Four Hundred and twelve Pounds three Shillings and three Pence, for the neat Proceeds of Tobacco, Deer Skins and Bees Wax, Received in the Several Precincts of Albemarle County in Pursuance of the late Quit Rents Law As I apprehend you have Past Receipts upon the receipts of these Commodities for near double the sum which is brought to the Credit of His Majesty's Acc^{t} Current, I am to desire you'll transmit to me a Particular Account of the different Species of Goods that you Received in Payment of Quit Rents, and in what manner the loss arose thereon.

To which Letter your Memorialist Replied the 26th of the same month in General by saying, That if he the said Henry M°Culloh Esq^{r} had any objections to make to his (the Memorialist) Acc^{t} or could by any means find out any fraud of any kind to the Prejudice of the Crown he would do an acceptable Service. That it was to the Right Honoble the Lords of the Treasury he apprehended he was accountable &c. which Original

Letter and Copy of Reply are Ready to be produced and referred to. As your Memorialist has had the Honour to serve the Crown in the Office of Receiver General for many Years he hopes with Integrity and Exactness, he is under great concern at an Imputation of this kind and having great Reason to believe that the said Henry M°Culloh Esq^r^ under Pretence of his Office has or may transmit to the Right Honoble the Lords of the Treasury this or some other suggestions of this kind, kindly Prejudicial to the Character of your Memorialist, He therefore begs leave to apply to your Excellency and this Hon^ble^ Board for assistance in the means to vindicate himself from the operation and Insinuation the said Henry M°Culloh has unjustly laid upon him by summoning the said Henry M°Culloh Esq^r^ to appear in Council at a Proper time to shew cause (if any he can) why he has charged your Memorialist which defrauded His Majesty of near one half of the Tobacco and other Commodities by him heretofore Received strongly Implyed in this said Letter, and to proceed therein as to your Excellency and this Honourable Council shall seem meet ELEAZER ALLEN

Dated April 5^th^ 1745

Ordered that Mr M°Culloh have notice to attend this Board to Shew &c.

Ordered that for the future no Patent be Granted where the Return is for Greater or less Quantity of Land than is contained in the Warrant unless the Surveyor who Surveyed the said Land appears and make Oath that there was no more Vacant Land adjoyning to the Land described in the Warrant, And that for the future no Surveyor Presume to Survey more Land than the Quantity contained in the Warrant to him Directed

The following Persons were admitted to Prove their Rights

	County.	Whites.	Blacks.
Simon Herring	Craven	6	4
William Reddick	D°	5	
William Skibbs for James Long	N. Hanover	6	
D° D° for Stephen Hollingsworth	D°	6	

At a Council held at New Bern 8^th^ April 1745

The Honoble { Nathaniel Rice, Edward Moseley, Mathew Rowan, Roger Moore, William Forbes } Esq^rs^ Members of His Majestys Council

Read the following Petitions for Warrants Viz^t^

William Seson 300 Edgecombe, William Duke 300 D°, Nicholas Golefler 400 D°, John Fowler 400 D°, Rose Hutsbeth 640 D°, William

Duke 300 D°, Peter Kersey 100 D°, David Douglass 400 N° Hampton, James Payne 640 Edgecombe, Arch^{d} Hamilton 1,500 New Hanover, James Cane 200 Edgecombe, James Jones 300 D°, Garret Wall 100 D°, Robert Hilliard 600 D°, River Jordan 200 D°, Lodowick Tanner 200 D°, Edward Robertson 400 D°, George Jordan 150 D°, Francis Battis 200 D°, Thomas Leigh 170 Tyrrel, Robert Hilliard 200 Edgecombe

Read the following Petitions for Patents

Roger Moore Esq^{r} 600 N. Hanover, Stephen Lee 100 Tyrrel, Thomas Lowther 100 Curratuck, Edm^{d} Blount 200 Tyrrell, George Moore 300 Bladen, D° D° 320 D°, D° D° 320 D°, D° D° 320 D°, John Sloan 200 Onslow, Nath^{l} Rice & Rob^{t} Halton 500 Bladen Granted

At a Council held at Newbern 10th April 1745

Present His Excellency Gabriel Johnston Esq^{r} Gov. &c

The Honoble { Nathaniel Rice, Edward Moseley, Robert Halton, Roger Moore, Mathew Rowan, William Forbes } Esq^{rs} Members of His Majestys Council

Read the following Petitions for Warrants Viz^{t}

Robert Halton 300 N. Hanover, Hardy Hinton 300 Craven, James Duncan 200 D°, William Middleton 300 D°, John Patterson 300 Bladen, James Boon 100 Craven, Isem Simms 200 D°, James Barton 100 D°, James Johnson 200 Carteret, Absolom Tyler 300 Craven, W^{m} Reddick 300 D°, Mark Philips 275 Craven, Henry Johnson 100 Craven, George Laws 200 Edgecombe, Benj^{a} Bolling 200 Bladen, Joseph Lates 200 Beaufort, Samuel Smith 200 Craven, Alexander Every 600 D°, William Cockran 100 D°, Thomas Tyson 200 D°, William Hester 200 Bladen, Mark Norfleet 200 Edgecombe, William Hilliard 400 N° Hampton, Isaac Davenport 300 Edgecombe, David Jernigan 100 Craven, Ambrose Jackson 200 Edgecombe, Samuel Hareewell 200 D°, Arthur Jordan 400 N° Hampton, Tim° Terril 600 Bladen, Thomas Machet 100 Craven, John Thornton 400 Edgecombe, Philip Mulkey 300 D°, Tim° Terril 150 Bladen, Thomas Murrell 150 D°, James Speir 350 Edgecombe, James Nolleyboy 200 D°, Osborne Jeffreys 150 Tyrrel, Nicho^{s} Tyner 200 N° Hampton, William Williamson 200 Craven, William Pugh 200 Edgecombe, Charles Williamson 200 Onslow, John Carraway 200 Craven, Abraham Warren 100 Edgecombe, William Lendsey 50 Beaufort, Michael Blocker 200 Bladen, John Moy 300 Edgecombe, James Jenkins 300 D°, John Brittle 400 N° Hampton, John Smith 150 Craven, John Forbes 320 Beaufort, William Williford 250 Bertie, Anthony Herring Son of Sam^{l} Herring 640 Craven, James Green 100 N. Hanover, Stephen Hollingsworth 600 D°, John Batler 100 Onslow, John Barrow 150 Beaufort, Forster Jarvis 100 Hyde, Edm^{d} Smithwick 300 Tyrrel Granted

Read the following Petitions for Patents Viz^{t}

John Gatlin 200 Craven, Thomas Jones 200 Bladen, Joseph Winn 95 Chowan, John Snell 300 Tyrrel, John Moore 100 Craven, Ann Crawford 300 Onslow, William Phipp 100 Beaufort, Jeremiah Swain 350 Tyrrell, John Pisack 200 Beaufort, Ep^{a} Vernon 300 Bladen, James Ridgeway 100 Onslow, William Butler 150 D^{o}, John Davis 500 Bladen, John Anderson 320 N. Hanover, Richard Whittington 100 Edgecombe, Duncan M^{c}Coulskey 200 Bladen, Mary M^{c}Laughlin 100 Craven, Thomas Smith 640 N^{o} Hampton, William Barden 290 D^{o}, Philip Alston 640 Edgecombe, James Alston 350 D^{o}, David Whitney 200 D^{o}, Henry Everett 150 Craven, D^{o} D^{o} 300 D^{o}, William Moore 640 D^{o}, Edw^{d} Smithwick 300 Tyrrel, William M^{c}Gowan 340 N. Hanover, James Murray 150 Onslow, John Linkfield 200 Beaufort, Christain Ipack 150 Craven, John Jordan 360 Hyde, James Adams 200 Beaufort, John Tuley 50 Hyde, John Murphey 150 Craven, George Stevenson 373 Edgecombe. Granted.

The following Persons were admitted to prove their Rights

	County.	Whites.	Blacks.
John Price	Craven	3	5
John Wright	N. Hanover	8	9
Benjamin Martin	Hyde	6	2
Simon Burney	Beaufort	8	
William Watkins	D^{o}	8	1
Abr^{a} Easter	Hyde	4	
John Slaughter	Beaufort	7	
Samuel Vines	D^{o}	1	
James Gumley	Craven	3	
John May	Beaufort	4	2
Thomas Machett	Craven	4	

At a Council held at Newbern 11th April 1745

Present His Excellency Gabriel Johnston Esq^{r} Gov^{r} &c

The Honoble { Nath Rice, Robert Halton, Mathew Rowan, Roger Moore, Edw^{d} Moseley, William Forbes } Esq^{rs} Members of His Majesty's Council

Henry M^{c}Culloh Esq^{r} not appearing to make good the Allegations alledged in his Caveat against sundry Persons obtaining Grants for Land Lying in Bladen County Ordered that the said Caveat be dismissed

Read the following Petitions for Warrants, Viz^{t}

John Wright 640 N. Hanover, Charles Cavenah 200 Edgecombe, John Wright 640 N. Hanover, William Rogers 200 Craven, Andrew Morgan 100 Craven, John Rice 400 D^{o}, Robert Ryley 450 D^{o}, James Duncan

300 N. Hanover, Chris° Dudley 100 Onslow, Franc^{s} Alexander 280 N. Hanover, Dan^{l} M^{c}Guffey 100 D°, Samuel Swann 800 Tyrrell, Robert Parks 400 Craven, D° D° 640 N. Hanover, And^{w} Kellet 200 Onslow, Moses Tyson 500 Beaufort, Robert Parks 400 Craven, Thomas Sutton 200 D°, Joseph Hare 200 D°, Benj^{a} Crowell 150 Curratuck, Evan Miller 150 D°, Samuel Williams 300 D°, Benjamin Perry 50 Pequimons, George Eason 200 D°, Jos. John Alston 640 Edgecombe, Thomas Fesher 200 Craven, John Rice 400 D°. Granted

Read the following Petitions for Patents Viz^{t}

William Kinchen Sen^{r} 400 Craven, Isaac Ricks 300 D°, Thomas Mason 150 Hyde, William Cooper 150 Beaufort, Elias Fork 400 Craven, Henry Jarrell 200 D°, John Doyle 400 Edgecombe, Ralph Hudspath 640 D°, Thomas Kearny 300 D°, Edm^{d} Kearny 640 D°, George Laws 250 D°, Anthony Crocker 100 D°, Susannah Anderson 200 D°, Jos. John Alston 500 D°, D° D° 600 D°, D° D° 400 Chowan, William Allen 100 N° Hampton, Carolus Anderson 640 D°, Jacob Braswel 300 Edgecombe, Nath^{l} Bradford 300 Bertie, John Gillum 327 N° Hampton, Joseph Boon 100 Craven, Benjamin Hill 640 Edgecombe, D° D° 200 D°, William Johnson 600 Edgecombe, Charles Jordan 200 N° Hampton, D° D° 200 D°, Thomas Kerby 200 Edgecombe, D° D° 180 D°, William Mearns 300 D°, John Oneals 200 Edgecombe, Parker 200 D°, D° D° 640 D°, Sampson Pope 225 D°, Thomas Parker 300 D°, George Smith 200 Craven, John Taylor 100 Edgecombe, D° D° 150 D°, D° D° 200 D°, Francis Wallis 200 D°, William Williams 600 Onslow, Hugh McAlexander 320 N Hanover, William Carr 200 D°, Alexander Chambers 600 D°, Francis Hodges 200 Craven Granted.

The following Persons were admitted to Prove their Rights

	County.	White.	Black.
Francis Hodges	Craven	6	
John Carruthers	D°	3	

At a Council held at Newbern 15th April 1745

Present His Excellency Gabriel Johnston Esq^{r} Gov^{r} &c

The Honoble { Nathaniel Rice, Edward Moseley, Robert Halton, William Forbes, Mathew Rowan, Roger Moore } Esq^{rs} Members of His Majesty's Council

Read the following Petitions for Warrants, Viz^{t}

Robert Powell 100 Craven, Robert Cox 300 Pequimons, Thomas Lewis 100 Tyrrell, Thomas Walton 640 Chowan, John Russell 150 Craven, Robert Howard 200 D°, Benj^{a} Holliman 300 Bertie, Edward Roberts 400 D°, Levi Anderson 150 Beaufort, Mary Porter 640 N.

Hanover, John Greenade 60 Craven, Richard Kemp 400 D°, John Brown 200 D°, Simon Herring 600 N. Hanover, Nicholas Baggot 500 N° Hampton, Anthony Herring 300 Craven, Robert Hill 200 Edgecombe, John Meezle 300 Bertie, Owen Rece 250 Pasquotank, Bryant Ward 300 Bladen, John Fonville 400 Craven, Jacob Taylor 100 D°, Thomas Martin 400 D°, Charles Harrison 200 N. Hanover, Jacob Paul 300 Bladen, D° D° 50 D°, Jn° & Lancaster Lovick 200 Carteret, Joseph Pittman 100 Craven, John Sympson 500 Onslow, John Swann 500 N. Hanover, Jacob Reasonover 100 Craven, William Curlee 200 D°, Joel Lashly 200 D°, John Davis 100 N. Hanover. Granted.

Read the following Petitions for Patents Viz^{t}

James Wright 80 Onslow, William Wyat 313 Perquimons, D° D° 200 D°, James M°Kelwean 550 Craven, George Reed 300 Carteret, Neal Shaw 200 Bladen, Peter Adam 500 Chowan. Granted.

At a Council held at Newbern 17th April 1745

Present His Excellency Gabriel Johnston Esq^{r} Gov^{r} &c.

The Honoble	Nath^{l} Rice	Edw^{d} Moseley	Esq^{rs} Members of His Majestys Council
	Robert Halton	Roger Moore	
	Mathew Rowan	William Forbes	

Read the Petitions following for Patents Viz^{t}

William Brice 100 Craven, John Carroway 175 D°, Joseph Anderson 400 Edgecombe, Francis Brice 100 N. Hanover, Nicholas Routledge 400 Craven, Samuel Smith 250 D°, D° D° 300 D°, David Dunn 100 Craven, Edmund Cartledge 100 Bladen, Rice Price 200 Craven, Samuel M°Cubbin 400 D°, David Bales 300 Edgecombe, John Patterson 200 D°, Peter Cleft 320 N. Hanover, Jos. John Alston 150 Edgecombe, John Powell 400 Craven. Granted.

Read the following Petitions for Warrants Viz^{t}

Nicholas Purefoy 200 Craven, Roger Moore Esq^{r} 400 N. Hanover, Francis Dawson 250 Craven, John Ross 350 Edgecombe, William Daniel 200 Chowan, Joseph Bryan 200 Bladen, Hugh Larninore 400 D°, William Rutledge 400 N. Hanover, Joseph Bryan 200 Craven Granted

At a Council held at Newbern 19th April 1745

Present His Excellency Gabriel Johnston Esq^{r} Gov^{r} &c

The Honoble	Nathaniel Rice	Roger Moore	Esq^{rs} Members of His Majestys Council
	Edward Moseley	Mathew Rowan	
	Robert Halton	William Forbes	

Read the following Petitions for Warrants Viz^{t}

David Smith 200 Bladen, Joseph Anderson 580 Edgecombe, Isabella Phillips 400 Craven, John Carruthers 100 D°, Robert Calahone 400 Bladen, William Shergold 150 Pasquotank, Charles Taylor Sen^{r} 100 D°. Granted.

Read the following Petitions for Patents Viz^{t}

Jos: Culepepper 300 Edgecombe, Thomas Lee 170 Tyrrel, David Henry 300 N. Hanover, Joseph Lane 400 Edgecombe, Jacob Wells 300 N. Hanover, John Fonville 206 Craven, David Dunn 50 D^{o}, Thomas Rawlins 100 Craven, Jerem^{h} Vail 400 N. Hanover, Benj^{a} Kimboll 200 Edgecombe, John Stancland 150 Craven, Samuel Smith 100 Craven, William Bentley 200 Edgecombe, Joseph Lane 200 D^{o}, Samuel Peacock 500 Craven, Thomas Vince 200 Edgecombe, Samuel Smith 200 Craven, William Jones 350 Edgecombe, Benjamin Thompson 600 D^{o}, Joseph Kimboll 500 D^{o}. Granted

Read the Petition of Samuel Saban Plummer against Samuel Williams Obtaining a Grant for Land in Pasquotank and Rejected

Read the following Petitions for Warrants Viz^{t}

Robert Parks 400 Bladen, D^{o} D^{o} 300 Craven, James Monk 640 N. Hanover, Mary Porter 640 D^{o}, Charles Monk 640 D^{o}. Granted

At a Council held 20th April 1745

Present His Excellency Gabriel Johnston Esq^{r} Gov^{r} &c

The Honoble	Nathaniel Rice	Edward Moseley	Esq^{rs} Members of His Majestys Council
	Robert Halton	Roger Moore	
	Mathew Rowan	William Forbes	

Read the following Petitions for Patents, Viz^{t}

John Deberry 200 No Hampton, John Hilliard 200 Craven, Paul Pendar 75 Bertie, William Mayner 400 Onslow, Benjamin Fuzzell 320 N^{o} Hampton, Joseph Anderson 580 Edgecombe, Regden Smith 200 Craven, Lemuel Linnier 350 Edgecombe, Anne Marshall 300 N^{o} Hampton, John Pope 300 Edgecombe, Joel Barker 300 Edgecombe, John Dew 200 Bertie, Joseph Howell 300 Edgecombe Granted

Read the following Petitions for Warrants Viz^{t}

John Bryan 640 Craven, Alexander M^{c}Culloh 300 N. Hanover, John Rice 100 Craven. Granted

Read the Memorial of Nathaniel Rice Esq^{r} Secretary of this Province in the following Words Viz^{t}

To His Excellency the Governour in Council Sheweth

That there are great Quantitys of Land for which your Excellency hath granted Warrants that have been Executed and Returned into the Secretarys Office most of them many years since which Land Remains yet unpatented to the great Loss of the Revenue. And more over that great Numbers of such Persons as have applyed and obtained Grants for the Land admeasured and laid out to them by virtue of your Excellency's Warrants, do nevertheless to evade or Postpone the fees and Quit

Rents, Neglect to take out Patents in Pursuance of such Grants. The Memorialist therefore humbly submitts it to your Excellency and His Majestys Honorable Council whether some effectual Order should not be taken herein for obliging all Persons holding Lands as aforesaid to Comply with His Majesty's Instructions in that behalf.

And the Secretary further shewing that great Numbers of the Warrants taken out have never been Returned nor even Surveys made in consequence of them

The Same was taken into Consideration and The Honorable the Council came to the following Resolutions. Nem. Con. That Patents be made out and issued by the Secretary on all such Returns or Surveys of Land Returned by the Surveyor General into the Secretary's Office for which Warrantees have neglected to take out Patents as aforesaid, And to Prevent the Detriment accruing to the Crown from such delays for the future, all returns hereafter to be made in consequence of Warrants for Land where the Parties shall neglect to apply for Patents thereupon shall be Patented, and issued as of Course; and in the same manner as if they had been granted on Petition

That Persons entering on the Kings Lands under the Umbrage of a Warrant, but neglecting to put the same into the hands of the Surveyor General to be Executed should be Prosecuted by the Attorney General and the said Lands deemed Vacant

That Persons having applyed and obtained Grants, but neglected to take out their Patents may be distrained on for His Majesty's Rents and the Fees due on such Patents

Whereupon the Secretary was ordered to issue a Proclamation Purporting as follows Viz^{t}

That Persons entering on the Kings Land tho they have Warrants but neglect to have them executed in due Time will be Prosecuted by the Attorney General, and such Lands Granted to others to Vacant Land, And that all Persons whose Warrants are Returned by the Surveyor General but neglect to Petition for Grants will nevertheless have Patents made out for them agreeable to such Returns, and be distrained on for the Kings Rents from the Date of such Patents, and for the Officers fees therein accruing, And that such as have applyed and Obtained Grants but neglect or refuse to take out their Patents will be Proceded against in like manner for the Rents and Fees.

Mr. Secretary Rice Informing this Board that since the Purchase made by the Crown of this Province from the late Lords Proprietors, The Grants issuing from his Office in Consequence of Warrants for all

Lands now taken up by His Majesty's Tenants differing not only in the Form and length but also from the great Exactness he is obliged to use in his Office in Recording other Requisites to compleat the same, And that as the fee allowed to the Secretary (under the appointment of the Late Lords Proprietors on each Patent under the Grand Deed which was very Short and often not Recorded was Nine Shillings and two pence.

Therefore Prays this Board to ascertain the same as they shall think fit.

Ordered that the Secretary demand, take and Receive to himself as a fee on every Grant or Patent Granted or to be Granted hereafter issuing out of the Secretary's Office for six hundred and forty Acres of Land or under the Sum of Five Pounds of the present Currency or the value thereof in Proclamation Money.

[B. P. R. O. North Carolina. B. T. Vol. 28.]

LEGISLATIVE JOURNALS.

North Carolina—ss.

At a General Assembly Begun and Held at New Bern the fifteenth day of November in the Eighteenth year of the Reign of Our Sovereign Lord George the second by the Grace of God of Great Britain France & Ireland King and so forth and in the year of our Lord one thousand seven Hundred & forty four & from thence continued by several prorogations to the second day of April in the said Eighteenth Year of the reign of our said Sovereign Lord George the Second over England and so forth and in the year of our Lord One Thousand Seven Hundred & forty five at New Bern And then further prorogued to the Eighth day of April afores^{d} at New Bern aforesaid Being the second Sessions of this present Assembly.

MEMBERS PRESENT.

Mr. Speaker	Mr. M^{c}Scarbrough	Mr. Jno Swann
Mr. Benj^{n} Peyton	Mr. John Starkey	Mr. Arthur Mabson
Mr. Geo Moore	Mr. Michael Coutauch	Mr. Jos. John Alston
Mr. Henry White	Mr. Thos Lovick	Mr. James Castellaw
Mr. William Brin	Mr. Jos Clark	Mr. Rich^{d} Nixon
Mr. W^{m} Burgess	Mr. Samuel Sinclair	Mr. Stevens Lee
Mr. W^{m} Kennedy	Mr. Sam^{l} Spruill	Mr. Edm^{d} Smithwick
Mr. John Hodgeson	Mr. Tho^{s} Barker	Mr. John Dawson
Mr. Griffith Jones	Mr. W^{m} Williams	Mr. W^{m} Farris
	Mr. John Barrow	

Mr. John Campbell one of the Members for Chowan County and Mr. William Shergoold and Mr. Thomas Lowther Mr. William Leary three of the Members for Currituck county Mr. Benjamin Hill one of the Members for Bertie County took the Oaths appointed by Law for their Qualification subscribed the test and took their seats in the House accordingly.

Mr. Thomas Barker and John Swann waited on his Excellency the Governor and acquainted him this House was met.

His Excellency was pleased to direct the above Gentlemen to acquaint this House that he would send for them before noon.

Read the Petition of William Simpson of Craven County praying to be exempt from publick taxes working on the roads & Musters The same Granted.

Read the certificate of John Blount of Tyrell County certifying his age & inability of working on the Publick roads & praying he be therefrom Exempt. The same Granted

His Excellency the Governor sent a Messenger to this House thereby commanding their Imediate Attendance.

The House in a full body waited on his Excellency the Governor in the Council Chamber when his Excellency was pleased to Deliver the following speech (to wit)

GENTLEMEN OF HIS MAJESTIES COUNCIL MR SPEAKER AND GENTLEMEN OF THE HOUSE OF REPRESENTATIVES.

When you consider your own Behaviour during last Sessions and reflect how inconsistant it was with the Promises you made in your Address to me you will not Expect that I should say much to you at present. A fairer State of your Publick Affairs could not have been Laid before you, and no body of men could enter into more just Honest & seasonable resolutions then you then did but how you executed these resolutions How you performed the engagements is what the Lovers of Anarchy such as Delight in Confusion & find their Account in Embroiling Publick business will tell with pleasure but all good men & Lovers of their Country will always remember with great grief mixed with some Indignation.

For my own part Gentlemen I am quite wearied out with attending so tedious a while before you make a House and then after waiting several weeks to be obliged to part without doing any one thing for the service of the Country.

It is an amazing thing that when it is universally allowed that no Province in his Majesties Dominions stands more in need of good Laws and proper regulations than this, and at the same time you yourselves

must confess that no Country had ever a finer opportunity than you have had these two years pass'd that you have hitherto neglected so favourable an opportunity to secure the Lives & Libertys of the people whose representatives & Attorneys you are.

It is not surprizing Gentlemen that after engageing to do so many Laudable services for the Publick last meeting you should part without passing any one Law

If you Scrupled to come into measures that were somewhat expensive or which Required large Taxes you might surely have passed the Militia Law so necessary in time of Warr you might have ordered your laws to be revised & printed the neglect of which is so generally Complained of, and such a reproach to the Province or you might at least have fixed the seat of Government the want of which is such an Impediment in publick business but to confine all your cares & endeavors to get the money which was appropriated to sink the Publick Bills and preserving the publick faith into your own pocketts to be so Wretchedly anxious and Exact in this affair as to write down your own names with the particular sums affixed to them and Insert them in the Bill at the third reading I say Gentlemen this is such a Conduct such an attempt as I am not sufficient master of words to bestow the proper Epithets upon it.

My design Gentlemen in Laying before you your past management in so true and plain a Light is to warn you against such Gross Practices (which really shock common Decency) for the future & to persuade you at last seriously to consider the Deplorable State of your Country which is rather worse than it was last Winter.

This is all I want of you if you do well for your selves & the people you represent you can't do amiss by me

I shall conclude by informing you that I have orders from his Majestie and Lord Carteret to insist on your passing a Quit rent Law which it is Certainly your Duty to do without Loss of time in Justice to the King and his Lordship & in Compassion to their tenants whose arrears of rents must soon amount to so large a sume as will bring Inevitable ruin on them and their Familys.

You may now see plainly how much the people may Depend on the integrity and friends of these Gentlemen who diswaded them from paying last Years when their Arrears were less in Quantity and they were Indulged to pay in Specie of Lower Value than ever they will be again.

GAB JOHNSTON.

Mr. John Campbell moved that a commitee be appointed to prepare an address to his Excellency the Governor in Answer to his Excellency's speech this sessions and report the same to this House.

Ordered. That Mr. James Castelaw, Mr. Thomas Barker, Mr. John Hodgson, Mr. John Campbell do prepare and bring in the same for approbation.

Mr. John Starkey moved that the following persons be appointed to prepare and bring in a bill for Laying a Tax for sinking the present currency of this Province and so forth (To wit) Mr. John Hodgson, Mr. W^{m} Farris, Mr. John Swann, Mr. John Starkey, Mr. Thomas Barker and they were accordingly appointed.

The House adjourned till 3 °clock.

P. M. The House met according to adjournment

The House adjourned till 9 °clock to morrow morning

Tuesday the 9th of April 1745. The House met according to adjournment

Mr. John Hodgson reported from the Committee Appointed to prepare a Bill for an Act for laying a Tax for sinking the now Currant Bills of Credit Which he read in his place. Ordered the same to be sent to the Council Sent the above bill to the Council by Mr. John Campbell and Mr. John Starkey.

Mr. John Swann moved that a Committee be appointed to Examine State and Settle the publick Accounts of this Province, and the following persons were accordingly appointed (To wit) Mr. John Starkey, Mr. Thomas Barker, Mr. Benj^{a} Stile, Mr. John Swann, Mr. William Farris, Mr. John Campbell

Mr. John Starkey moved that a Committee be appointed to Settle & Allow publick claims of this Province, And the following persons were accordingly appointed Mr. Thomas Lovick, Mr. Samuel Sinclare, Mr. Edm^{d} Smithwick, Mr. George Moore, Mr. James Castellaw, Mr. John Dawson and Mr. Benj^{a} Payton

Mr. James Castellaw moved that a Committee be appointed to receive propositions & Grievances and the following persons were accordingly appointed (to wit)

Mr. Benj^{a} Hill	Mr. W^{m} Shergoold	Mr. John Starkey
Mr. John Campbell	Mr. M^{c}Scarbrough	Mr. John Swann
Mr. Griffith Jones	Mr. Jos Jno Alston	Mr. W^{m} Kennedy
Mr. Jno Dawson	Mr. Sam^{l} Sinclare	Mr. Art Mabson
Mr. Benj^{a} Payton	Mr. William Brice	Mr. Joseph Clark.

The House adjourned till 3 °Clock.

P. M. The House met according to adjournment

Received from the Council the bill for sinking the present Bills of Currancy

Endorsed read in the upper House the first time and passed. April 9th 1745.

Mr. William Brice Acquainted this House that Mr. William Wilson Member for New Bern Town is Dead Therefore moved that his Excellency be addressed to Direct the Secretary of this province to Issue a writt for Electing a member for New Bern Town to serve in this present Assembly in the room of said Wm Wilson Deceased

Mr. McRora Scarbrough Acquainted this House that Mr. Tully Williams one of the Members for Pequimons County is dead. Therefore moved that his Excellency be Addressed to direct the Secretary of this Province to issue a writt for Electing a member in the room of the said deceased.

Mr. James Castellaw acquainted this House that Mr. John Pope one of the members for Edgecomb County is dead Therefore moved that his Excellency be addressed to Direct the secretary of this Province to Issue a writt for Electing a member to serve in the room of the said Deceased

Sent the following message to his Excellency the Governor.

MAY IT PLEASE YOUR EXCELLENCY

Mr. Willm Wilson member of this House for New Bern Town, Mr. Tully William one of the Members for Pequimons County and Mr. John Pope one of the Members for Edgcomb County are dead. We therefore Humbly Address your Excellency to Direct the Secretary of this Province to Issue writts for Electing Members to serve in this present General Assembly in the room of the above Gentlemen who are decd

By Order

9th April 1745. SAMl SWANN Speaker

The House Adjourned till tomorrow 8 °Clock.

Wednesday the 10th April 1745. The House met acccording to adjournment

Mr. Hodgson reported from the Committee appointed to prepare an Address to his Excellency the Governor in Answer to his Excellency's Speech to this House that they had prepared said address. Which he read in his Place

Ordered the same be Engrossed.

Read the bill for sinking the present currency

Mr. Starkey moved the House resolve into a Committee of the whole House to debate the subject matter in the said Bill contained

The House resolved into a Committee of the whole House accordingly And unanimously chose Mr. John Starkey chairman.

The committee proceeded to debate the several Matters on the said Bill contained, and made several amendments therein

Mr. Speaker resumed the chair.

Mr. Chairman reported that the Committee had considered and debated the Several clauses in the said Bill and had made Several Amendments therein which he reported to the House To which the House concurred and Ordered the same Bill pass with the said Amendments & be sent to the Council

Sent the above Bill to the Council by Mr. Sinclare & Mr. Scarbrough

Mr. Hodgson Treasurer of Chowan County Acquainted this House that he as Treasurer of the County Aforesaid had Seized Several Tracts of Land in said County as the Law directs which was Mortgaged to the County and had Offered them for Sale at Vendue but no person would bid for said Land or any of them near the sume they were respectively Mortgaged for therefore desires the Directions of this House in relation thereto.

Resolved The said John Hodgson do Expose the said Lands to Sale to the best bidder at the General Court or County Court where such Lands lye & report the same to the General Assembly

The House adjourned till 2 °Clock.

P. M. The House met according to Adjournment.

Mr. Lowther Moved that two Members be appointed to waite on his Excellency the Governor and Acquaint him this House was ready to waite on him with their Address.

And Mr. John Swann & Mr. Thoˢ Barker were accordingly Appointed.

Mr. John Swann & Mr. Thoˢ Barker waited on his Excellency the Governor & acquainted him this House was ready to wait on him with their Address.

His Excellency the Governor was pleased to answer he would Receive it tomorrow at 10 o'clock.

The House adjourned till tomorrow 8 °Clock

Thursday the 11th of April 1745 The House met according to Adjournment

Mr. William Farris brought in a bill for an Act for making, mending, and repairing roads Bridges and so forth & appointing Commissioners and so forth which he read in his place

Ordered the same pass & be sent to the Council.

Sent the above Bill to the council by Mr Farris & Mr. Moore

Received from the Council the Bill for sinking the present Currency Endorsed in the Upper House read the Second Time & passed with amendments. April 11th 1745

Received from the Council the road Bill Endorsed April 11th 1745 In the Upper house read the first time & passed

Received from his Excellency the Governor the following message

COUNCIL CHAMBER April 11th 1745.

MR. SPEAKER

Being detained by an unexpected accident in which the publick is very much concerned from receiving the Address of your House, I desire you may proceed in the business of the Province this day & to Morrow Morning I shall send you a Message

GAB JOHNSTON.

The House adjourned till 3 °Clock.

P M The House met according to adjournment

Mr. James Craven & Mr. Joseph Anderson appeared.

Mr. Thomas Barker moved for Leave to bring in a Bill for an Aditional act to an Act entituled an Act for Appointing Sherriffs in the room of Marshalls of this Province for prescribing the Method of Appointing them & Limiting their time of Continuance in Office & Directing their Duty therein & for abolishing the Office of provost Marshall of this province & for altering the names of the precincts into Countys

Ordered he have Leave & that he prepare & bring in the same Pursuant to which Motion and Order Mr. Barker brought in the said Bill Which he read in his place.

Ordered the same pass and be sent to the Council

Sent the above Bill to the Council by Mr. Sinclare & Mr. Farris

Mr. Barker moved that a Committee be appointed to prepare & bring a Bill for an Act for Laying a Tax for paying of the publick Debts of this province. And the following persons were accordingly appointed (To wit)

Mr. Thomas Barker Mr. John Hodgson Mr. James Craven Mr. John Campbell Mr. Joseph Anderson.

Received from the Council the Bill for an Additional Act to the Sheriffs Act Endorsed 11th April 1745 In the upper House read the first time & passed

Read the Road Bill the second time & passed with Amendments

Ordered the same to be sent to the Council

Sent the Above Bill to the Council by Mr. Starkey & Mr. Payton

The House adjourned till tomorrow 8 °clock

Friday the 12th April 1745 The House met according to Adjournment

Mr. Benj[a] Hill brought in a Bill for repealing the Port Law which he 'read in his place

Ordered the same pass and be sent to the Council

Sent the above Bill to the Council by Mr. George Moore & Mr. John Swann

Received the following Message from the Council (To wit)

MR. SPEAKER & GENTLEMEN

On reading your Message regarding the Appointment of the Committee upon the publick Accounts and claims This House have thought fit to Nominate the Honorable Mathew Rowan & Roger Moore Esq[rs] to Joyn those of yours on the Committee of Claims and the Honble Edward Moseley and William Forbes to Joyn those of your House on the publick Accounts·

Dated 11[th] April 1745

Received from the Council the Bill for an Act for repealing the Port Law Endorsed April 12[th] 1745 In the upper House read the first time and passed.

Read the Bill to repeal the Port Law the second time & passed

Ordered the same be sent to the Council

Sent the above Bill by Mr. Starkey and Mr. Scarbrough

His Excellency sent a message to this House Commanding their Immediate Attendance in the Council Chamber

The House in a full body waited on His Excellency in the Council Chamber. When Mr. Speaker presented to his Excellency the following Address (to wit)

The Humble Address of the General Assembly of said Province

MAY IT PLEASE YOUR EXCELLENCY

When we reflect on our Conduct not only during the last but former Sessions we cant think we have Acted inconsistently Unless to Act freely and as becomes the representatives of a free people be inconsistent our Constant Endeavours have tended to promote the publick good and make your Excellency's Administration easy and if by differing in sentiments with his Majesties Council we have Miscarried in that Laudable design & our good intentions frustrated why should we be reproached with neglect of the Service of our Country Nor can our Actions or Behaviour Afford matter of pleasure to Lovers of Anarchy and Confusion or be related by any person to our disadvantage, Unless misconstrued or Misrepresented

As to the conduct of this House last Sessions in particular we must beg Leave in Vindication of our Selves, to say we prepared A Bill for Sinking the Currency which in our Opinion was fair and Equitable, and could not have thought it would have met with any Obstacles from his Majesties Council who with this House had Joyned to borrow or Apply money out of A particular fund to pay publick Debts formerly due and prevent A Publick Tax at that Juncture was not the money thus applyed as so much borrowed of the Publick & Consequently a Debt and is not every Just Claim on the publick equally A Publick debt, and if a sume was to be raised by a Tax not only Sufficient to repay that sume taken out of that fund but also to sink the whole Currency why should not the money in the Several County Treasurers hands be Applyed to payment of other Debts due from the Country where then can be the incongruity to incert the payment of such publick Debts in a Bill for Sinking the Currency Unless we had left the money in the Treasurers hands unappropriated many are the persons who had State Demands on the Publick, and who were not members of this House and as we were not only willing to sink the currency but pay of all Just Demands on the Publick where was the Impropriety in A Publick Estimate to affix every mans Name to the sume the Publick owed to him

We have frequently in former Assemblys had under our Consideration Matters of Consequence recommended by your Excellency but have been unhappily prevented from doing anything therein with effect by unexpected Dissolutions and prorogations.

So many expensive and unsuccessfull Assemblies might have wearied us out, but the great desire of good Laws and the great regard we have for our Countrys Credit & wellfare still prompt us to use our Utmost Efforts for its Service and lay Aside every Consideration but what may tend to Accomplish that Valuable end, which we have so much at heart.

We dont doubt but your Excellency will Lay before this House the Order you mention in regard to his Majestie and Lord Carteretts rents and we shall endeavour as far as in us lyes to pass a Law for the just and honest paym^{t} of them as for our part we are strangers to any Gent dissuading the people from paying their rents, but apprehend your Excellency has been misinformed SAMUEL SWANN Speaker

When his Excellency was pleased to Command this House to return & proceed to business Mr. Speaker and the rest of the Members returned.

The House adjourned till 2 °Clock

P. M. The House met according to Adjournment

Mr. Farris brought in A Bill to prevent killing deer at unseasonable times and so forth. Which he read in his place

Ordered the same pass & be sent to the Council

Sent by Mr. Farris & Mr. Payton

Read the Bill for an additional Act to an Act for Appointed Sheriffs &c the second time and Sent it to the council by Mr. Alston & Mr. White.

The House adjourned till 8 °Clock.

Saturday the 13th April 1745 The House met according to adjournment.

Mr. Farris moved that Mr. Joseph Anderson be added to the Committee of Accounts

Ordered he be added thereto

Mr. John Swann moved for Leave to bring in A Bill for an Act to Erect a fortification on the Lower Part of Cape Fear &c

Ordered that he have Leave & that he prepare & bring in the same

Mr. John Swann brought in the above Bill which he read in his place

Ordered the same pass & be sent to the Councill

Sent the Above Bill to the Council by Mr. Castellaw & Mr. Starkey.

Received from the Council the road Bill Endorsed In the Upper House read the first time & passed with amendments

Read the third time the Bill for sinking the currency & passed with amendments

Ordered the same be sent to the Council

Sent the above Bill to the Council by Mr. George Moore & Mr. John Swann

Received from the Council A Bill for an Act for the Encouragement of Settlers in Brunswick

Received from the Council the Bill to prevent the Killing Deer at unseasonable times Endorsed In the Upper House read the first time & passed with amendments

Mr. Barker reported from the Committee Appointed to prepare and bring in a Bill for Laying A Tax to Discharge the publick debts that the said Committee had prepared A Bill Accordingly Which he read in his place

Ordered the same pass and be sent to the Council

Sent the Above Bill to the Council by Mr. George Moore & Mr. John Swann

The House adjourned till 3 °Clock

P. M. The House met according to Adjournment

Received from the Council the Bill to repeal the Port Law Endorsed 13th of April 1745 In the upper House read the Second time & passed

Received from the Council the Bill for an Additional Act to an Act for appointing Sheriffs. Endorsed April 13th 1745. In the upper House read the second time and passed with amendments.

Received from the Council the following Message (to wit)

Mr Speaker and Gentlemen.

We received a Bill from your House this day Intituled an Act for Laying a Tax to discharge the Publick Debts which Bill has referrence to an annexed Schedule but no such Schedule appearing with the Bill we cannot pass upon the Bill untill such Schedule be sent unto us.

Dated April 13th 1745.

Read the Bill to prevent Killing Deer [at] unseasonable times the second time and amended it. Ordered the same be sent to the Council

The House adjourned till Monday 8 °clock

Monday the 15th April 1745. The House met according to adjournment.

Read the third time the Bill for an Act to Impower the Several Commissioners after named to make mend & repair all roads Bridges &c and passed with amendments Ordered the same be sent to the Council. Sent the above Bill to the Council

Received the following Message from the Council (Vizt)

Mr Speaker & Gentlemen

We have the Bill for an Act for Laying a Tax for sinking the now Current Bill of Credit before us Marked with a third reading thereon by your House to which Bill we conceive there are two Just Exceptions to be made the first is the Method of Paying the Tax for sinking the said Bills the Second as the Method of applying the Surplus of the said tax if any Such there shall be As to the first we are of opinion that the Method of paying this Tax should be as all other publick Taxes are by Law to be paid.

As to the Second we are of Opinion that the General Assembly ought to be Joyned with the Governor & Council in the Application of the Surplus if any & not that the same should be left to be Applyed by the General Assembly only

If your House shall think fit to Concurr with those two amendments we shall pass the same and send it to your House

Dated 15th April 1745

Read the Bill for an Act to repeal the Act for Establishing Ports of Delivery in this province the third time & passed Ordered the same be sent to the Council Sent the above Bill to the Council

Read the third time the Bill for An Additional Act to an Act for Appointing Sherriffs and passed. Ordered the same be sent to the Council Sent the above Bill to the Council

Mr. Samuel Sinclair brought in a Bill for an Act to Add that part of the Country called Marromosket & Lake to Hyde County Which he read in his place Ordered the same pass & be sent to the Council Sent the above Bill to the Council

The House adjourned till 3 °Clock.

P. M. The House met according to Adjournment.

Sent the following Message to the Council by Mr. Hill & Mr. Sinclare Viz^{t}

Gentlemen of His Majesties Honble Council

On reading your Message of this day in relation to the Bill for Laying a Tax for Sinking the now Curr^{t} Bills of Credit we find the Exceptions you take to that Bill are first the Method of paying the tax which you are of Opinion Ought to be mentioned to be paid as all other Taxes are now paid

We must adhere to our first opinion that the Tax ought to be paid at the rates prescribed in the Act for granting an aid to his Majestie &c as they are therein rated nearest their true Value, for was Rice which is the only Commodity rated in any of the Subsequent Laws to be paid at a higher rate than is Mentioned in the said Act for granting an aid to his Majestie &c it would probably occasion a Defficiency in the fund for sinking the said Bills & the intention of the Bill in a Manner would be thereby defeated Neither can it be a Hardship on any one since if the Commodities that are to be paid in will sell for more than they are to be received at for the said tax every Body hath the Liberty to sell the same & pay in Gold Silver or Bills.

As to the Second Amendment you mention, we readily agree thereto & on your giving us Notice we will send some of the members from this House to see the same made Accordingly

By Order SAMUEL SWANN Speaker

15th April 1745.

Read the fortification Bill the Second Time & passed

Ordered the same be sent to the Council

Sent the above Bill to the Council by Mr. Hill & Mr. Sinclare

Received from the Council the road Bill Endorsed 15th April 1745 In the upper House read the third time & passed. Ordered the same be Engrossed

Read the Bill to prevent killing deer at unseasonable times the Second time & passed with Amendments

Ordered the same be sent to the Council

Sent the above Bill to the Council

Received from the Council the Bill to Add that part of the Country called Marromosket & Lake to Hyde County Endorsed 15th April 1745 In the upper Assembly read the second time and passed with amendments

Mr. Barker brought in a Bill for an Act for preventing delays in the Courts of Justice for Expediting & better Setling the proceedings in the General & County Courts & for restoring the County Courts the power of Trying personal Actions to the Value of Twenty Six pounds thirteen Shillings & four pence proclamation money Which he read in his place

Ordered the same pass and be sent to the Council

Mr Starkey moved for leave to bring in A Bill for Regulating the Several Officers Fees within this province & to Ascertain the Method of paying the same Which he read in his place

Ordered the same pass and be sent to the Council

Received from the Council the Message sent from this House of this day Endorsed in the upper House concurred with

Received from the Council the Bill for an Additional Act to an Act for Appointing Sheriffs Endorsed In the upper House read the third time and passed.

Ordered to be sent down to be Engrossed

Received from the Council the Bill for Sinking the New Current Bills of Credit Endorsed In the upper House read the third time & passed

Ordered to be Engrossed

Received from the Council the fortification Bill Endorsed In the upper House read the second time and passed with Amendments

Mr. Hodgson brought in a Bill for an Act to Enable & Encourage the persons herein after mentioned to print the Laws of this province and to provide printed Copys of the said Laws for the several and respective Courts of Judicature & Officers within this province Which he read in his place

Ordered the same be sent to the Council

Read the first time the Bill for an Act for the Encouragement of Settlers in Brunswick & passed

Ordered the same be sent to the Council

Mr. Craven brought in A Bill for an Act to Impower the Commissioners for the Town of Edenton to keep in repair the Town fences & to Erect and build a Pound Bridges Publick wherf & Market House as also to Erect & build a school House in the said Town & other purposes therein mentioned Which he read in his place

Ordered the same pass & be sent to the Council

Mr. Brice brought in A Bill for an Act for Erecting the Upper part of Craven County into a County by the name of Which he read in his place

Ordered the same pass & be sent to the Council

Mr. Payton brought in a Bill for an Act for fenceing the Town of Bath & resurveying the Commons belonging to the said Town & Exempting the Inhabitants from working on the main roads & to give Liberty to the Inhabitants to build & Improve the front or Water Lots which by a former act they were prevented from doing & to Appoint Commissioners for the purposes aforesaid Which he read in his place

Ordered the same pass & be sent to the Council

The House Adjourned till tomorrow 8 °clock

Tuesday the 16th of April 1745 The House met according to adjournment.

Read the Petition of Michael Higgins Praying the Bill may be brought into this House for an Act to Encourage the Petitioners to build a Bridge over Trent river near Whittliffs ferry &c

Ordered a Bill be brought in pursuant to the prayer of said Petition

Sent to the Council the following Bills (to wit) The Bill to Enable & Encourage the persons therein mentioned to print the Laws &c And the Bill for Erecting the Upper part of Craven County into a County And the Bill to Impower the Commrs for the Town of Edenton to keep in repair the Town fences &c And the Bill for fencing the Town of Bath &c And the Bill for Encourageing of Settlers in Brunswick And the Bill to prevent Delays in the Courts of Justice &c and the fee Bill by Mr. Thos Lowther & Mr. Scarbrough

Mr. Farris brought in A Bill for an Act for the better regulateing the Town of Wilmington and for confirming and Establishing the late Survey of the same with the plan annexed Which he read in his place

Ordered the same pass and be sent to the Council

Sent the above bill to the Council by Mr. Lowther & Mr. Scarbrough

Mr. Barker brought in a Bill for an Act for appointing the place where the Publick Offices in this province shall hereafter be kept Which he read in his place.

Ordered the same pass & be sent to the Council

Sent the above Bill by Mr. Lowther & Mr. Scarbrough

Read the second time the Bill for an Act to add that part of the country called Marramusket and passed

Ordered the same be sent to the Council

Sent the above bill to the Council by Mr. Lowther & Mr. Scarbrough

Mr. Barker brought in a Bill for an Act for appointing the place where the Publick Offices in this province shall hereafter be kept Which he read in his place.

Ordered the same pass & be sent to the Council

Sent the above Bill to the Councill by Mr. Lowther and Mr. Scarbrough

Mr. Campbell brought in A Bill for an Act to Amend an Act Intituled an Act for facilitating the Navigation of the Several Ports of this Province and for Buoying [and] Beaconing the channels Leading from Ocacock Inlett to Bath Town and New Bern and from Topsail Inlet to Beaufort Town & other Ports & Inletts within said Province therein mentioned & for provideing sufficient Pilots for the safe Conduct of Vessells and to appoint new Commissioners for the better Encouragement & regulateing the said Pilots as by that Law Intended for such parts as relates to the Several places hereinafter mentioned Which he read in his place

Ordered the same pass and be sent to the Council

Sent the above Bill to the Council by Mr. Campbell and Mr. John Swann

Received from the Council the Bill to prevent Killing Deer at unseasonable times. Endorsed April 16th 1745 In the Upper House read the first time & passed with Amendments.

Received from the Council the Bill for appointing the place where the publick offices in this Province &c Endorsed April 16th 1745 In the Upper House read the first time and passed with amendments

Read the third time a Bill to Erect a fortification On the Lower part of Cape Fear river &c & amended it

Ordered the same pass & be sent to the Council

Sent the above Bill to the Council by Mr. Farris & Mr. Smithwick

Read the petition of several of the Inhabitants of Bladen County complaining that Several Inhabitants of said County Evade paying Taxes &c praying reliefe

Ordered the said Petition lye on the Table for Consideration.

The House adjourned till 3 °Clock.

P M. The House met according to adjournment

Received the following Bills from the Council (to wit)

The Bill for regulating the Town of Willmington &c And the Bill to Enable & Encourage the printing the Laws of this province Endorsed 16th April 1745 In the upper House read the second time & passed And the Bill to Erect A fortification on the Lower part of Cape Fear River &c Endorsed in the upper House read the third time and passed with amendments

John Fonveile Appeared at the Barr of this House and acquainted this House that Mr. Arthur Mabson one of the members for Carteret County refused to pay him the sume of Nine pounds as Directed by this House for going for the said Mr. Arthur Mabson from Bath Town to the said Mabsons House Upon which the Question was put whether the said Mr. Mabson should pay the said Fonveile the said sume or not. And was carried in the Affirmative

Ordered the said Mr. Mabson pay the said Fonveile the sume of Nine pounds.

Mr. William Farris brought in a Bill for an Act to Impower Michael Higgins to Build a Bridge over Trent River near Wickliffe ferry &c Which he read in his place

Ordered the same pass & be sent to the Council

Sent the above Bill to the Council by Mr. Dawson & Mr. Spruil

Received from the Council the Bill for the Encouragement of Settlers in Brunswick Endorsed in the upper House read the Second time & passed with amendments

Received from the Council the Bill to Amend an Act Intituled an Act for facilitating Navigation &c Endorsed April the 16th 1745 In the Upper House read the first time & passed with Amendments.

Read the second time the Bill to Enable & Encourage the persons therein Mentioned to print the Laws &c with Amendments

Ordered the same pass & be sent to the Council

Sent the Above Bill to the Council by Mr. Barker & Mr. Craven

The House adjourned till tomorrow 8 °clock

Wednesday the 17th of April 1745 The House met according to Adjournment

Read the third time the Bill for Killing deer at unseasonable times & passed wth amendments

Ordered the same be sent to the Council

Sent the above Bill to the Council by Mr. Farris & Mr. Starkey

Read the second time the Bill for appointing the place where the Publick Offices &c in this province shall be kept

Ordered the same pass & be sent to the Council

Sent by Mr. Payton & Mr. Barrow

Read the third time the Bill to add that part of the Country called Marramuskert & the Lake to Hyde County which passed with amendments

Ordered the same pass and be sent to the Council

Sent the above Bill to the Council by Mr. Payton & Mr. Barrow

Read the second time the Bill to Amend an Act Intituled an Act for facilitating of the several Ports of this Province

Ordered the same pass & be sent to the Council

Sent the Above Bill to the Council by Mr. Campbell & Mr. Craven

The House adjourned till 3 o'clock

P. M. The House met according to adjournment

Read the second time the Bill for regulating the Town of Willmington which passed with amendments.

Ordered the same be sent to the Council.

Sent the Above Bill to the Council by Mr. Farris & Mr. Starkey

Received from the Council the Bill for fenceing in the Town of Bath &c Indorsed In the Upper House read the first time & passed

Received from the Council the Bill to Impower the Commissioners for the Town of Edenton to keep in repair the Town fences &c Endorsed April 17th 1745 read in the upper House the first time & passed

Received from the Council the Bill for erecting the upper part of Craven County by the name Endorsed the 17th April 1745 In the upper House read the first time & passed

Received from the Council the Bill to add that part of the Country called Maramuskert and Lake to Hyde County Endorsed April 17th 1745 In the upper House read the third time & passed

Ordered to be Engrossed.

Received from the Council the Bill to prevent Killing Deer at unseasonable times Endorsed April 17th 1745 In the upper House read the third time and passed

Ordered to be Engrossed

Received from the Council the Bill for Appointing the place where the publick Offices in this province shall be kept Endorsed April 17th 1745 In the upper House read the Second time & passed with Amendments.

Read the second time the Bill for the Encouragement of the Settlers in the Town of Brunswick and passed with amendments

Ordered the same be sent to the Council

Sent the Above Bill to the Council by Mr. Farris & Mr. Starkey

Mr. Brice brought in A Bill for an Act to appoint New Commissioners in the place & stead of the Commissioners deceased & for furnishing the Church at New Bern which he read in his place

Ordered the same pass & be sent to the Council

Sent the above Bill to the Council by Mr. Farris & Mr. Starkey

Read the second time the Bill to Impower the Commissioners of the Town of Edenton to keep in repair the Town fences &c

Ordered the same pass and be sent to the Council

Sent the above Bill to the Council by Mr. Campbell and Mr. Craven.

Read the Bill for erecting the upper part of Craven County into a County &c the second time and passed with Amendment.

Ordered the same be sent to the Council

Sent the above Bill to the Council by Mr. Peyton & Mr. Coutauch

Read the second time the Bill for fenceing the town of Bath which passed with Amendments

Ordered the same be sent to the Council.

Sent the above Bill to the Council by Mr. Peyton and Mr. Coutauch

The House adjourned till 3 °clock tomorrow morning

Thursday the 18th of April 1745 The House met according to adjournment

Read the third time the Bill for an Act Appointing the place where the Publick Offices in this province shall be kept

Ordered the same pass & be sent to the Council

Sent the above Bill to the Council by Mr. Craven and Mr. Barker.

Received from the Council the Bill for regulating the Town of Wilmington. Endorsed In the Upper House read the Second time & passed with Amendments

Received from the Council the Bill for Encouragement of Settlers in Brunswick Endorsed In the Upper House read the third time & passed with amendments

The House adjourned till 2 °Clock.

P. M. The House met according to Adjournment

Received from the Council the Bill to Impower the Commissioners of Edenton to keep in repair the Town fences &c Endorsed April 15th 1745 In the Upper House read the Second time & passed with amendments.

The House adjourned till tomorrow morning 8 °Clock

Friday the 19th of April 1745 The House met according to adjournment

Read the third time the Bill to Impower the Commissioners of the Town of Edenton to keep in repair the Town fence &c which passed.

Ordered the above Bill be sent to the Council

Sent the above Bill to the Council by Mr. Craven & Mr. Campbell

Read the third time the Bill for regulateing the Town of Willmington which passed

Ordered the same be sent to the Council

Sent the above Bill to the Council by Mr. Farris and Mr. Swann

Received from the Council the Bill to appoint new Commissioners in the Stead of the Commissioners deēed and for finishing the Church at New Bern Endorsed April 18th 1745 In the Upper House read the second time & passed with amendments

Read the third time the Bill for an Act for fenceing the Town of Bath &c which passed with amendments

Ordered the same be sent to the Council

Sent the above Bill to the Council by Mr. Farris & Mr. Swann.

Received the Bill for an Act to impower the Commissioners of Edenton to keep in repair the Town Fences &c Endorsed April 19th 1745 In the Upper House read the third time and passed

Ordered to be Engrossed.

Read the third time the Bill to Encourage the Settlers of Brunswick

Ordered it be Engrossed

Sent the same to the Council by Mr. Craven & Mr. Swann

Received from the Council the Bill for regulating the Town of Willmington Endorsed April 19th 1745 In the Upper House read the third time & passed

Ordered to be Engrossed

Received from the Council the Bill for fenceing the Town of Bath Endorsed April 19th 1745 In the Upper House read the third time & passed

Ordered to be Engrossed.

Read the second time the Bill to Appoint new Commissioners in place and Stead of the Commissioners deceased & for furnishing the Church in New Bern which passed with Amendments

Ordered the same be sent to the Council

Sent the above Bill to the Council by Mr. Nixon & Mr. Brice

Sent the following Message to the Council Vizt

Gentlemen of his Majesties Honble Council

We have the Bill for the Encouragement of the Settlers of Brunswick before us marked with a third reading thereon by your House to

which Bill we conceive there are five just Exceptions to be made the first is the Investing the Lands in the Commissioners in the said Bill mentioning any trust use or purpose for so investing the same.

The Second is the Musters for St Philips Parish being made in Brunswick

The third is the keepers of Taverns or Publick Houses being Subject to the Penalty of forty Shillings over and above Looseing the money they shall Credit any Sailor for

The fourth is only in the Diction, the word Default being made use of instead of Offence

The fifth & last is the Clause Allowing the Town of Brunswick to enjoy all the same Priviledges of any other Town in this province.

As to the first we are of opinion that it ought to be mentioned invested in the said Commissioners in fee for the trusts uses & purposes herein after mentioned.

And as to the Second we are of opinion that the Militia Law hath already Provided in the Case of Musters & therefore the word Musters in the Bill ought to be expunged.

As to the third we are of opinion that the penalty of forty Shillings on Keepers of Taverns or Publick Houses ought to be expunged

As to the fourth we are of opinion that the word default ought to be altered to that of offence

As to fifth & last we are of opinion the whole Clause ought to be expunged

If your Honours shall think fit to Concurr with the above Amendments we shall pass the said Bill and send it to your House

By order SAM: SWANN Speaker

Sent by Mr. John Swann & Mr. George Moore

The House adjourned till 3 °Clock.

P. M. The House met according to Adjournment

Received from the Council the Message sent from this House this morning Endorsed April 19th 1745. In the upper House concurred with.

By order RICHARD LOVETT Clke

The House adjourned till 8 °clock tomorrow morning

Saturday the 20th of April 1745 The House met according to Adjournment.

Read the third time the Bill to appoint New Commissioners and for finishing the church at New Bern.

Ordered the same pass and be sent to the Council Sent the above Bill to the Council by Mr. Nixon & Mr. Brice

Received from the Council the Bill to Appoint new Commissioners in the stead & place of the Com^{rs} deceased and for finishing the Church at New Bern Endorsed 20th April 1745 In the upper house read the third time & passed. Ordered to be engrossed

Read the third time the Bill to erect the upper part of Craven County into a County &c

Mr. John Swann mov'd the same pass.

Mr. John Hodgson objected the same—Upon which the Question was put whether the said Bill be rejected or pass which was carried for rejecting the same and the same is accordingly rejected

Mr. John Campbell moved that the Commissioners for Navigation be Ordered by this House to Lay before them the next Assembly their several and respective accounts as Commissioners aforesaid.

Ordered the said Commissioners Lay before this House their said accounts next sessions of Assembly

Mr. Thomas Barker Reported from the Committee of Accounts as ℔ Book To which the House agreed.

Sent the following message to the Council

Gentlemen of his Majesties Council

We have resolved that Richard M^{c}Clure Clke of the Committee of Publick Accounts be allowed Forty pounds for Acting as Clke of the said Committee this Sessions and that Mr. Charles Adams be allowed Ten pounds for the use of this House fire & Candles for the Committee of Accounts at above sessions.

Sent by Mr. Shergold and Mr. Lowther

Received the above message from the Council Endorsed concurred with 20th April 1745.

Sent to the Council by Mr. Sinclare & Mr. Jones the reports of the Committee of Accounts of this sessions & former sessions not concurred with by the Other Houses for their Concurrence.

His Excellency the Governor was pleased to Command the Immediate attendance of this House with what Bills were Engrossed.

The House in a full body waited on his Excellency the Governor in the Council Chamber. And Mr. Speaker presented to his Excellency the following Bills (to wit) The road Bill, The Bill for fenceing Bath Town, Edenton Bill, Additional Act to the Sheriff's Act, The Bill for repealing the Port Law, The Fortification Bill, The Bill for adding Mattamuskert & Lake to Hyde County, The Bill to prevent Killing Deer, The Bill for

sinking the Currency, The Bill for regulating Willmington, The Bill for Encouragement of Settlers in Brunswick, The Bill for Appointing new Commissioners & for finishing the Church at New Bern.

To all which his Excellency was pleased to Assent

Then His Excellency was pleased to Prorogue this Assembly to the last Tuesday in September next to be then held at New Bern.

Mr. Speaker & the rest of the House returned & pronounced the prorogation accordingly.

Test WILL^{m} HERRITAGE, Clk^{e} General Assembly.

1746.

[From North Carolina Letter Book of S. P. G.]

Wilmington March 31, 1746

Rev^{d} Sir, [to the Secretary]

I have not the least hopes of seeing encouragement given to a settled ministry in this district and should have been obliged to leave it before this time but that I had some money of my own which has enabled me to surmount all the difficulties the vestry could lay me under by refusing to pay my salary—They are affronted if I do not go to their houses to baptize their children and their plantations to bury their dead the moment they send for me tho' timely notice has not been given and yet I cannot prevail on any parish to purchase a Glebe where my horses may be kept nor build a Parsonage house and certainly a Missionarie who is hir'd by the year has no business to do it. These inconveniences made me think some time I lived like a vagabond—They have impaired my health and often put it out my power to do what otherwise I would have done in the way of my office and therefore beg the Venerable Society may appoint me their Missionary for the Northern parts of this province which are above the District of Rev^{d} Mr. Hall I have some reason to expect my labours will prove more successful there than they have been here and am still of the opinion that no Missionary can live in this District till they are determined to make better provision for him and this is what never will happen till once they are convinced they can have no Missionary on any other term Since Michaelmas I baptized 54 white children and gave the Holy communion to 23 persons. I enjoy a better state of health at present and for some months past than I have done

for several years past because I suppose the fevers and agues in the Fall and Pleurisis in the Winter which are epidemical attacked me with less violence than formerly but have negotiated no Bill for this half years Salaries expecting to hear the venerable Society will permit me to visit cold climate in the summer season if my health requires it

I am, Rev^{d} Sir, Your most, &c., JAMES MOIR

[B. P. R. O. North Carolina B. T. Vol. 11. B. 70.]

Edenton. June 6th 1746.

My Lords, [of the Board of Trade]

It is with very great surprize and concern that I read in your Lordships of the 27th of June last, which I received but lately, that you have received none from me these three years past. I rather expected to have met with a reproof for troubling you too much especially as I had almost nothing to inform your Lordships of except the miseries and hardships I and all His Majesty's Officers labour under, since the Repeal of the Quit rent law, and my Lord Granville having one and much the better half of this Province laid of to him for his share of both the Carolinas.

If I could at all times when I have the honour to receive your Lordships commands, meet with His Majesty's Council & Secretary as is done in all other Colonys, I should in many cases be able to return more satisfactory answers, But that in our circumstances is absolutely impossible, It is with great difficulty we make a shift to meet twice in a year all the rest of our time is spent at our own little plantations which are some fifty some one hundred and some two hundred miles distance from one another & this will always be our case until our salaries are regular paid, mine is now eight years in arrears, and those of the other Officers in proportion and our fees but very trifling which makes it impossible for us to remain long in any of the Towns of this Province where small and despicable as they are, living is dearer than at London.

By the unexpected repeal of the Quit rent law there are arrears of many years standing, in that part of this Province lately given to Lord Granville And as the Governor & Officers have a regular Grant from the Crown upon the Quit rents in general dated in 1733. we never doubted as his Lordships eighth part has been duly paid him that we had a right to all the arrears before his contract with the Crown but there is a clause inserted in that contract which notwithstanding our prior grant gives his Lordship all these arrears amounting to four, as others compute, five

thousand pounds sterling, his Lordship indeed has given up all his Arrears in South Carolina to His Majesty as an equivalent, but upon inquiry I am informed his Lordship is not only paid up to the 17th September 1744. the date of the Grant and release, but to the 25th of March 1745. In the meantime the Governor and Officers are a starving and at a loss to apply for a remedy.

It would be a great charity in your Lordships if you would honor us with your advice how to proceed in this matter, Mr. Halton one of the Council, and Captain Tunis can inform your Lordships further in this affair, they are at this time both in London,

I am now about preparing an exact state of this Country in every particular required by my Instructions, which I hope will give your Board entire satisfaction.

I am with great respect your Lordships most, &c.,

GAB. JOHNSTON.

[From North Carolina Letter Book of S. P. G.]

No. Carolina Chowan County near Edenton June 19 1746

Revd Sir, [to the Secretary]

Some time after Easter I Journeyed twenty two days throughout my mission, preached about 16 times baptized about 120 children & 11 black adults I went to Norfolk in Virga about a little private business & to see the Revd Mr. Smith from whence I wrote a letter to yr self dated May 6th but could not send a copy of the former (my papers being at home) & I being in haste forgot to take a copy of that but I hope tis not material My first and second Bills of Exchange for £15 sterling dated Aug. 23 1745 I sent home to Mr. Hughes of London ye one in Augt ye other in Nov. past but have not recd any thing from him nor yr self I am like to be in want of many necessaries for myself and family I am employed in this Parish of St. Paul upon the same terms as I was the year past but ye allowance of £45 sterling here will scarcely come to the value of 25 in England Goods being so scarce & extravagantly dear Our church at Edenton has ye Roof raised but ye work is at a stand at present, because (as 'tis said) the commissioners do not agree about it Please when you write to send me an abstract of ye Society's proceedings for two yrs past & what is the latest news of ye war & Rebellion in Scotland I return my hearty thanks & hble Service to ye worthy gent of ye Society whom with yr self I wish health, peace, & good success & am as ever, Revd Sir, your most, &c.,

CLEMENT HALL.

[From North Carolina Letter Book of S. P. G.]

No. Carolina Chowan County near Edenton Aug^{t} 23 1746.

Rev^{d} Sir, [to the Secretary]

Our church at Edenton is yet at a stand for the reasons aforesaid tho' some of the commissioners say that the roof will shortly be covered. I am very sorry that I can neither hear of nor receive anything from the Hon^{ble} Society since I came; but hope 'tis not so with them from me, for this is y^{e} 7th I have wrote. I do assure you I do all within y^{e} compass of my power to answer the end for which I am sent. But tho' here be many well disposed people yet on y^{e} other hand here be too many who chuse to live an irreligious life discourage and hinder y^{e} progress of the Gospel. I have baptised by my accounts about 1235 White children & 29 White Adults 13 Black children & 30 Black adults In all about 1307 persons & do purpose (thro' God's help) to continue to do what I am able And am Rev^{d} Sir yours, &c.,

CLEMENT HALL.

[From North Carolina Letter Book of S. P. G.]

Oct^{r} 14. 1746.

Sir, [To Gov. Gab^{l} Johnston]

The Society for the propagation of the Gospel in Foreign Parts out of regard to your very worthy character & zeal for Gods service have done themselves the Honour to elect y^{r} Excell^{y} a member of their corporation! and have taken the religious state of y^{r} Province under their consid^{n} they are sensible there is a great want of orthodox worthy clergymen to propagate the Gospel in it; and are very willing to do their part towards supplying this defect but as from the Letters of their Missionaries & they hope worthy ones, the Rev^{d} Mr. Hall & the Rev^{d} Mr. Moir they appear to labour under great difficulties for want of proper encouragement & support & particularly for want of houses & Glebes to reside on they beg the favour to know what certain encouragement the Govern^{mt} of N. Carolina will give provided the Society sho^{d} send them more Missionaries The Society find an act of the Assembly pass'd so long ago as the year 1715 for dividing the Province into nine Parishes and for building churches & chapels in them & for providing stipends & Glebes for able & Godly Ministers qualified according to the Ecclesiastical Laws of the Church of England but with sorrow they doubt whether hitherto

this act hath taken full effect in any one Parish in the Province however they hope it will thro' the Influence of y^{r} Excell^{y} & are very willing on their part to promote it this is proposed to be brought by the Rev^{d} Mr. Garden the worthy comm^{y} of the Province who will help forward as much as in him lies all worthy endeav^{rs} for the Prop^{n} of Christs true Religion I am, &c., P. B., Secretary

[From North Carolina Letter Book of S P. G.]

Wilmington Nov^{r} 4 1746.

Rev^{d} Sir [to the Secretary]

From Lady day to Michaelmas I baptized one hundred and eighty white children and twelve blacks and gave the holy communion to thirty six persons—I desire the venerable Society may order the payment of my salary for the year and six months past to Mr. William Dunbar Merchant in London.

The months of August & September being very sickly and my office exposing me to the inclemency of the season brought upon me a kind of intermitting fever which I got rid of with the utmost difficulty and after seven weeks illness I dread the thought of living in this district another summer where my life has been several times despair'd of and where I have no prospect of pasture for my horses or a convenient house for myself and where the salaries they promise are paid in commodities not worth the trouble of receiving—In the Northern parts of this Province which are above the District of Rev^{d} Mr. Hall the land is higher and the climate colder which makes it more healthy, and there is ten times the number of white people to what we have at cape fear—They have offered me frequently all proper encouragement to find me a Glebe and Parsonage House and pay my Salary truly and faithfully—If the venerable Society will [approve] of these proposals and order me to remove thither I'll endeavor to answer the end of my Mission but if they are otherwise determined after all my misfortunes & disappointments in this District, I humbly beg leave to acquaint them that since I cannot serve them much longer here; I thank them most sincerely for all the favours they have done me already and am Rev^{d} Sir, Your most, &c.,

JAMES MOIR.

[From North Carolina Letter Book of S. P. G.]

To the Most Reverend Father in God Thomas Lord Archbishop of Canterbury &c. President and the Rest of the Right Reverend Right Honorable and worthy members of the Society for Propagation of the Gospel in Foreign Parts and for Promoting Christian Knowledge at home.

Most Reverend Father and Honorable worthy Gentlemen

Wee the Churchwardens & Vestry Men of the Parish of St. Thomas in the Province of North Carolina Having taken into our consideration the deplorable state of our Parish for these four years past; for want of a goodly Minister amongst us to Preach the Holy Gospel & Baptize our children and administer the Holy Sacrament to such good christians as is desirable of it, and to instruct Youth and sett a good example to the people in general, which want we think it our indisputable duty to use all possible means to gett a good Minister as soon as possible we could to supply us, we being well assured we never can expect the blessing of God Almighty upon us without using the means contained for obtaining the same.

Wee therefore as soon as possible the state of our Parish would permit after the death of our late Parson the Rev[d] John Gazia applied ourselves to his Excellency Gabriel Johnston our Gov[r] & ordinary of this Province for his advice and assistance in what measure we should supply our want in getting a good Minister. His Excellent with great willingness imidiately gave us the assurance of the assistance in his power accordingly wrote to his Lordship the Bishop of London on our behalf which gave us great hopes of being supplied with a goodly Minister in a short time But to our great misfortune and grief about six months ago His Excellent advised us that he had no account from his Lordship the Bishop of London & likewise advised us to apply any other way we could think most proper to get our want supplied—And indeed worthy Sirs wee could not think of any way so likely for success as applying ourselves to your Honble Society, the very name and charact[r] of which gives us very great hopes of success & of having a goodly Minister sent to us by your assistance which now greatly is wanted here, and be the greatest blessing we could at present enjoy under God.

The encouragement that is in our power at present to give a good Minister is Fifty pound proclamation Money as by Law of this Province Established, & a good Glebe containing 300 acres of good Land, a Dwelling House & Kitching in good repair, on the said Glebe and

Twenty pound Sterling Money as a present when arrived at the Parish Church of St. Thomas. This Gentlemen with your assistance & the prospect of doing great good to many Souls we hope will be a sufficient motive to move some good man to come to us. and as our Parish is daily increasing wee hope in short time to be able to add something to the yearly stipend, thus Gentlemen having laid our case before you, wee heartily begg God's blessing and your kind assistance upon our endeavours which will lay a lasting obligation upon the whole Parish, and particularly upon

Your most obedient humble Servants

DAN[l] BLIN
ABRAHAM DUNCAN } Church Wardens
and several others

[B. P. R. O. B. T. JOURNALS. VOL. 54. P. 44.]

BOARD OF TRADE JOURNALS.

Tuesday May 6th 1746.

Present.
Lord Monson
Mr. Plumer. Mr. Pitt.

Upon application from Mr. Thos. Smith Deputy Auditor of the Plantations for copies of such parts of His Maj. Instructions to his Governors of South and North Carolina as relate to Grants of Land and the payment of the Quit rents in those Provinces the Board ordered that copies of such parts of said Instructions as relate thereto should be accordingly prepared.

[Page 71.]

Friday July 25th 1746

It appearing to the Board that no letters or other public papers had been received from Mr. Johnston Governor of North Carolina since the year 1742 their Lordships ordered the Draught of a letter to the Duke of Newcastle to be prepared acquainting him therewith

Mem: It will be seen by reference to the Corresp. [North Carolina B. T., Vol. XI], that there is no letter from Gov. Johnston between the date of Dec. 1741 (B. 59) which was rec[d] in April 1742 nor any papers rec[d] from him until June 1746 (B. 70) in which and in another letter dated 20 Jan[y] 174$\frac{6}{7}$ (B. 72) he explains that he has been a regular Correspondent but that his many packets have miscarried

W. N. S.

[Page 77.]

Thursday Aug^{t} 21st 1746.

Letter from Mr. Johnston Governor of North Carolina to the Board dated at Edenton the 6th of June 1746 in relation to his eight years of Salary due to him and the other officers there and to the outstanding arrears of Quit rents and the Lord Granville's Grants of Lands and Quit rents in that Province

Ordered that the said letter be taken into consideration at another opportunity

[Page 110.]

Friday December 19th 1746

The Board took into consideration the letter from Mr. Johnston Gov^{r} of North Carolina mentioned in the Minutes of 21 Aug. last & Ordered the Secretary to write to Messrs Halton & Jones to whom he refers them for a further account of the state of that Province desiring them to attend the Board on Tuesday next in order to have some discourse with them upon that subject.

[Page 111.]

Tuesday December 23rd 1746.

Mr. Halton attending as desired by the Minutes of Friday last the Board had some discourse with him on the subject of Mr. Johnston's letter

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[From the MSS. Records of North Carolina Council Journals.]

COUNCIL JOURNALS.

North Carolina.

At a Council at Bath Town 12th day of March 174$\frac{5}{6}$

Present His Excellency Gabriel Johnston, Esq^{r} Gov. &c.

The Honoble { Mathew Rowan Roger Moore } Esq^{rs} Members of His
{ Edward Moseley Wm. Forbes } Majesty's Council

Read the following Petitions for Warrants Viz^{t}

Bryan Conner 200 Bladen, Robert Parks 450 Craven, Hugh Brown 100 Bladen, James Burns 200 D^{o}, Anthony Herring 600 Craven, Henry Osberry 350 D^{o}, Samuel Smith 100 D^{o}, John Hornbeck 400 Bladen, John M^{c}Coy 300 D^{o}, William Kemp 640 D^{o}, Thomas Red 350 D^{o}, D^{o} D^{o} 200 D^{o}, John Gyles 300 D^{o}, Joseph Bryan 250 Craven, Gartram Benboe 200 D^{o}, D^{o} D^{o} 150 Bladen, Matthew Allen 300 Craven, Daniel Herring 100 New Hanover, Robert Fellows 50 Craven, Robert Park 200 D^{o}, Edmund Park 300 Bladen, Felix Kennon 240 New Hanover, John Ratcliffe 50 Craven, Thomas Armstrong 300 Bladen. Granted

Read the following Petitions for Patents Viz^{t}

David Gellet 400 Bladen, William Bartrim 150 D^{o}, John Brooks 194 D^{o}. Granted

The following Persons were admitted to prove their Rights

	Whites.	Blacks.	County.
John Benson	3	4	Craven
James Burns	7	1	Onslow

North Carolina.

At a Council held at Bath Town 13th day of March 1745 [1746]

Present His Excellency Gabriel Johnston Esq, Gov. &c.

The Honoble { Mathew Rowan Roger Moore } Esq^{rs} Members of His
{ Edward Moseley Wm. Forbes } Majestys Council

Read the following Petitions for Warrants Viz^{t}

Thomas Hall 100 Onslow, Benjamin Fuzz 300 Bladen, James Cook 300 New Hanover, James Hassell 100 D^{o}, Phebe & Mary Lisher 300 Craven, Thomas West 130 D^{o}, John Speir 150 D^{o}, John Edwards 300 Bladen, Robert Byley 200 Craven, D^{o} D^{o} 250 D^{o}, Francis Stringer 150 D^{o}, James Keith 320 D^{o}, Martin Bender 100 D^{o}, Samuel Pacey 300 D^{o}, Mary Peyton 640 Beaufort, George Kerneagee 50 New Hanover, Francis Stringer 200 Craven, Daniel Sullivan 200 New Hanover, Jonathan Sanderson 100 Craven, Francis Stringer 300 D^{o}, Armwell Howard 200 D^{o}, Daniel Quellen 100 D^{o}, Jacob Ispack 150 D^{o}, Joshua Sarsnett 100 D^{o}, William Wilkinson 100 D^{o}, Robert Park 300 Bladen, William Cook 100 Craven, John Harris 100 D^{o}, Benoni Loftin 50 D^{o}, William Whitford 400 D^{o}, William Ferriss 200 New Hanover, Joseph Harper 320 Craven. Granted

Read the Petition of David and Isaac Fonville Orphans of John Fonville Dec̄ed. Praying to have two hundred and fifty Acres of Marsh Land and fronting John Fonvilles Land, Beginning at the Mouth of a little Creek between the said Fonvilles and Peter Handus and that the Warrant may issue in the Name of the said Orphans.

Ordered that a Warrant be Granted to the said David and Isaac Fonville for so much of the front of the said Marsh in Proportion to their Lands joining on the said Marsh, and that the Surveyors Return a Plat thereof to this Board at their next sitting

Read the following Petitions for Patents Viz^{t}

James M^{c}Lewean 200 Craven, Darby M^{c}Carty 600 Hyde, Matthis Tyson 100 D^{o}, John Forbes 320 Beaufort. Granted

Ordered That Robert Halton, Eleazer Allen, Mathew Rowan, and William Forbes Esq^{rs} Members of His Majesty's Council, and George

Gould Esq[r] Surveyor General be and they are hereby continued Commissioners on His Majestys behalf for running the Dividing Line between His Majesty and Lord Granville

His Excellency was Pleased by and with the advice of His Majestys Council to Order that Writs forthwith issue for Electing Members of Assembly by the Freeholders of the Several and respective Countys and Towns within this Province on Tuesday the 29[th] of April next to meet and set in General Assembly for the dispatch of Business at New Bern the 29[th] of May following.

Ordered that a New Commission of the Peace issue for Bertie County Directed to George Gould, William Cathcart, James Castellaw, Benjamin Hill, John Harrell, Needham Bryan, George Lockhart, John Brown, Samuel Scolley, Samuel Ormes, George Patterson, Robert Hunter, and Edward Bryan Esq[rs] Justices of the Peace for and within the said County

The following Persons were admitted to Prove their Rights

	Whites.	Blacks.	County.
John M[c]Coy	5	3	Bladen
Jno M[c]Coy for W[m] M[c]Coy	3		D[o]
William Kemp	8		D[o]
John Hornbeck	4		D[o]

North Carolina

At a Council held at Bath Town 14[th] day March 1745 [1746]

Present His Excellency Gabriel Johnston Esq[r] Gov[r] &c.

The Honoble { Mathew Rowan, Roger Moore, Edward Moseley, Will[m] Forbes } Esq[rs] Members of His Majestys Council

Read the following Petitions for Warrants Viz[t]

Joseph Bishop 50 New Hanover, Henry Eborn 100 Hyde, William Davis 150 D[o], Edmund Price Ju[r] 300 Beaufort, Samuel Johnston 640 Onslow, Alexander M[c]Cullock 640 New Hanover, John Warner 300 Beaufort, William Williams 200 Onslow, John Williams 200 D[o], Joseph Blake 200 New Hanover, William Houston 150 D[o], William M[c]Coy 300 Bladen, Richard Lovit 150 Craven, James Brickles 200 Beaufort, James M[c]Coy 300 Bladen, George Kernage 100 New Hanover, Anthony Cox 180 Craven, John Crouse 250 D[o], Francis Nunn 150 D[o], Thomas Hilliard 200 Beaufort, Anthony Cox 180 D[o], Henry Barlow 200 Craven, John Brooks 200 D[o], James Burns 400 Bladen, Solomon Grant 400 D[o], Joseph Bishop 50 New Hanover, John Hardy 640 Bladen, George Burgess 290 Craven. Granted

Read the following Petitions for Patents Viz[t]

Thomas Champion 100 Beaufort, John Bryan 640 Craven, John Nelson 319 D°, Caleb Howell 400 Bladen, Luke Forteskue 100 Hyde, Thomas Armstrong 200 Bladen, John Sanderson 350 Hyde, William Forteskue 100 D°, Thomas Davis 100 Bladen, Robert Champain 100 Beaufort, William Giddings 100 Hyde, Foster Gervis 150 D°, Thomas Devaughan 320 New Hanover, William Ridgway 300 D°, John Ellaby 650 Bladen, Hugh Larrimoore 300 D°, William Smith 300 D°, Williss Ship 100 Craven, John Wynn 170 D°, Edward Powers 300 D°, John Higdon 100 D°, John Gyles 200 New Hanover, John Echols 200 Beaufort, John Gyles 200 Craven, William Hall 200 D°, Robert Parkes 300 Bladen, Robert Parks 300 D°. Granted

Ordered That the Surveyor General cause a Resurvey to be made of Peter Prevats Land in Craven County Joining the Land of Mr. Herritage agreeable to the Warrant formerly granted to the said Prevat for the same and a Return thereof to this Board at their next sitting

Read this day at the Board the Petition of Simon Forteskue, Shewing That he had a patent Granted him for 470 Acres of Land lying in Hyde County in the year 170$\frac{4}{5}$ That soon after the Indian Warr Broke out, and your Petitioner was shot in the Head his wife and children taken Prisoners and carryed away, his House burnt down to the Ground all that he had lost together with the Patent for the said Land, That he has continued ever since to pay the Quit Rents to the Lords Proprietors Receiver, as also His Majesty's Receiver General since His Majesty's Purchase of the soil at six Pence Quit Rents being the Rent Mentioned in his Patent as appears by all the Receipts now produced to the Board, Praying to be relieved in the Premises. This Board on Examining the Several Receipts both of the late Lords Proprietors Receiver, as also of His Majestys Receiver General for the Quit Rents of the said Land. And it also appearing that the allegations set forth in the said Petition were true

It is thereupon Ordered in Council that the said Land be Enrolled in the Auditors Office at the Quit Rent of six Pence ℔ 100 Acres agreeable to the Quit Rent assertained in the said Forteskues old Grant and his Receipts now produced to this Board.

Read this day at the Board the Petition of Abraham Duncan, Shewing That he obtained an Order from this Board in April last for resurveying two old Patents that the surveyor in running the Lines of One of the said Patents for 700 Acres Granted to William Barrow Esq^{r} and in the year 1705 find a mistake in the first Course of the said Patent which he demonstrates by the Resurvey thereof now before the Board the first Course mentioned in said Patent being E^{t} Northerly 78° 354

Pole by which Course the Line goes into Bath Town Creek and leaves no Land for him, but that instead thereof it ought to be N° 78 E^{t} 354 Pole by which the Surveyor on running that Course finds all the other Courses of the Patent to answer. Praying the said Course to be altered in the old Patent agreeable to the said Resurvey in the name of William Barrow Esq^{r} for seven hundred Acres of Land

Ordered that the said Duncans Patent be in manner following (that is to say) the first Course of the Patent to be N 70 d: E^{t} 354 Pole now altered at the Board which was accordingly done and that the Sectary make the Record of the said Patent agreeable thereto

Ordered that the Surveyor General cause a Resurvey to be made of Richard Birds Land in Craven County on the N side of Nuse River on the E^{t} side of falling Creek, agreeable to the Warrant formerly granted to the said Richard Bird for the same and a Return thereof to make to this Board at their next Sitting

Ordered That a Resurvey be made of John Worsleys Land, And That the Surveyor distinguish in his Plat the Surplus Land belonging to each of the Parties Viz^{t} Worsley, Brickle, Duncan, and Barrow and that a Return thereof be made to this Board next sitting.*

Read the Petition of William Farris setting forth that he obtained a Warrant for six hundred and Forty Acres of Land on Panter Swamp in New Hanover County which Warrant was returned by John Williams a Deputy Surveyor who at the same time returned a Platt as he apprehended of the Land and a patent was made out agreeable to the Return but that the Petitioner had often Endeavoured to find the said Land but no such Land could be found and believe that the said Williams returned the said Platt only to amuse and deceive the Petitioner Praying to be discharged from said Patent

Ordered that the Auditor strike out of the Rent Roll the said Patent there appearing to be no such Land

Read the Petition of James Bennett a Chowan Indian complaining of one Henry Hills having obtained a Deed of Sale for some of the Chowan Indian Land from some Indians who had no Right to sell the same.

Ordered that Henry Hill be summoned to attend this Board at their their next Sitting, And that Thomas Hoyster and John Robin the two Indians who sold the Land to the said Hill to [be] summoned to attend at the same time

NORTH CAROLINA

At a Council held at Bath Town 15th March 1745. [1746]

Present His Excellency Gabriel Johnston Esq^{r} Gov &c.

The Honoble { Eleazer Allen, Edward Moseley, Mathew Rowan, Roger Moore, William Forbes } Esq^{rs} Members of His Majesty's Council

Ordered that the Commissioners now appointed for running the Division Line between His Majesty and Lord Granville be allowed the same Wages for themselves, Surveyors and Servants that was Ordered to be allowed them by this Board on the 18th of Nov. 1743. And that the same be paid out of the Quit Rents, pursuant to His Majesty's Instructions to His Excellency the Governor for that Purpose.

Read the following Petitions for Warrants Viz^{t}

William Williams 300 Onslow, Anthony Lewis 640 D°, William Driggers 200 Craven, George Norriss 200 D°, John Beverly 100 D°, John Hamer 100 Bladen, Henry Garret 100 Craven, Nicolas Smith 200 Bladen, James Bentley 200 D°, D° D° 400 D°, Nicolas Smith 400 D°, William Phillips 300 Bladen, William Phillips 200 D°, William Blewett 200 D°, Thomas Larrimoor 400 Craven, Jeremiah Ram 200 D°. Granted

Read the following Petitions for Patents Viz^{t}

Samuel Johnson 640 Onslow, John Bryan 100 Craven, Catharine Hanniss 463 D°, Robert Parks 450 D°, D° D° 500 Bladen, David Miles 300 D°, John Smith Jun^{r} 100 Hyde, David Miles 300 Bladen, John Walliss 150 Beaufort, John Walliss 100 D°. Granted

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At a Council held at Newbern 16th June 1746

Present His Excellency Gabriel Johnston Esq^{r} Gov. &c.

The Honoble { Mathew Rowan, Roger Moore, Edward Moseley, Will^{m} Forbes } Esq^{rs} Members of His Majestys Counci

Read the following Petitions for Land, Viz^{t}

Benjamin Mason 125 Hyde, John Easter 100 D°, John Benson 40 Craven, John Kemsey 100 Onslow, Thomas Norwood 200 Craven, Valent Wallace Sen^{r} 150 Carteret, Henry Smith Sen^{r} 300 D°, James Hasell Jun 200 New Hanover, Joseph Morgan Sen^{r} 200 Onslow, John Becton 100 Craven, Edward Outlaw 200 New Hanover, John Rouse 200 Craven Francis Holton 200 Bladen, Alex^{r} M°Allester 200 D°, Henry Bradley 100 New Hanover, David Smith 500 Bladen. Granted

North Carolina

At a Council held at Newbern 18th June 1746

Present His Excellency Gabriel Johnston Esq^{r} Gov. &c.

The Honoble { Mathew Rowan, Roger Moore, Edward Moseley, Will^{m} Forbes } Esq^{rs} Members of His Majesty's Council

Read the following Petitions for Land Viz^{t}

Daniel Simmons 200 Craven, John Taylor 100 D°, Joseph Kemp 100 N. Hanover, Conred Whitman 200 D°, William Gray 300 Craven, John

Smith 500 Beaufort, John Herring 200 Craven, D° D° 200 D°, Joseph Dukes 100 New Hanover, John Dudley, 300 Onslow, John Davis 400 New Hanover, Jacob Hanshaw 200 D°, William Grassett 100 D°, William Frazier 100 Carteret, John Speir 100 Craven, Edward Ward Sen^r 200 Onslow, John Moore 100 Craven, Gresham Wiggins 300 D°, John Fitzjarrold 150 D°, Morrice Walker 200 D°, D° D° 200 D°, Martin Bender 640 D°. Granted

Read the following Petitions for Patents Viz^t

Adam Moore 200 Craven, John Howard 300 Onslow, Edward Williams 180 Craven, James Gumley 320 D°, Abraham Duncan 350 Beaufort, Samuel Goodman 400 Bladen, D° D° 300 D°. Granted.

Read the Petition of Samuel Goodman shewing that in April 1745, There was a Petition Exhibited before the Honourable Board setting forth that he had often acted contrary to Justice and Equity in the Office of a Justice of the Peace, Praying that the said Petitions Exhibited by John Clark of P. D. against him may be read in Council, and that he may be admitted to appear and Justify himself from such calumny.

Ordered that the said John Clark do attend at the next Council to answer this Petition.

At a Council held at New Bern 21^st^ June 1746

Present His Excellency Gabriel Johnston, Esq^r^ Gov. &c

The Honoble { Eleazer Allen, Edw^d^ Moseley, Mathew Rowan, Will^m^ Forbes, Roger Moore } Esq^rs^ Members of His Majesty's Council

Read the following Petitions for Warrants Viz^t^

Thomas Jerman 200 Craven, Joseph Howell 100 D°, William Dupee 300 D°, William Mills 100 New Hanover, James Burns 150 Bladen, James Williams 100 Craven, Nathaniel Smith 300 Carteret. Granted

Read the following Petitions for Patents Viz^t^

James Marshall 200 Craven, John Williams 120 D°, Benjamin Williams 130 Craven, John Williams 400 New Hanover, William Kemp 640 Bladen, John Francis 300 D°, John Kornbeck 400 D°, William M^c^Coy 300 D°, Edward Stevens 200 D°, John Becton 200 D°, Arch^d^ Buy 200 D°, John Becton 200 D°, John Callehan 400 D°, Anthony Coxks 400 New Hanover, Walter Lane 270 Craven, Anthony Cox 180 D°, Thomas Walker 170 D°, David Evans 300 New Hanover, Joseph Bryan 175 Craven, William Bush 300 D°, James Burns 200 Bladen, Robert Fellows 50 Craven, John Red 150 Bladen, Stephen Hollingsworth, 600 New Hanover, Robert Cortney 150 Onslow, John Ashe 640 New Hanover, John Williams 100 D°, John Clark 195 Bladen, D° D° 640 D°, D° D° 270 D°, D° D° 810 D°. Granted

Read the Petition of Moses Tillman.

Ordered, That the same be delayed 'till the Return of the Resurvey granted to Peter Privet last Court, And that in Case the said Privets Resurvey is not Returned at the next Court, That then the said Tillmans Petition be Granted.

Upon a Caveat Entered by Arthur Johnson against James Macleweans Obtaining Letters of Administration on the Estate of Simon Lucas Gent decēd, and on hearing the Arguments on both sides. It is ordered that Administration be Granted to the said Mackleweau.

At a Council held at Newbern 26th June 1746

Present His Excellency Gabriel Johnston Esqr Govr &c

The Honoble	Nathaniel Rice	Edward Moseley	Esqrs Members of His Majesty's Council
	Eleazer Allen	Roger Moore	
	Mathew Rowan	William Forbes	

Read the following Petitions for Warrants Vizt

Joseph Williams 400 Currituck, Samuel Johnston 400 Onslow, William Salter 200 Carteret, John Chitheral 150 Dº, Francis Rowan 1,500 New Hanover. Granted.

Read the following Petitions for Patents Vizt

Peter Baston 100 Carteret, John & Saml Field 550 Onslow, John Mills 150 Craven, Richard Cox 150 Dº, Dennis McClenden 300 Dº, John Wynns 400 Dº, John Roberts 100 Craven, Dº Dº 200 Dº, Thomas Banks 770 Dº, Joseph Balch 448 Dº, Anthony D'Bois 400 New Hanover, James Junis 640 Dº, John Rawlins 200 Craven, Thomas Greenwood 200 New Hanover, Nathaniel Everet 300 Onslow, Dº Dº 300 Dº, John McCoy 300 Bladen, Dº Dº 300 Dº, Samuel James 250 Onslow, Thomas Armstrong 300 Bladen, Dº Dº 300 Dº, George Burgess 290 Craven, Luke Whitfield 200 New Hanover, John Gready 450 Bladen. Granted.

At a Council held at New Bern 27th June 1746

Present His Excellency Gabriel Johnston Esqr Gov. &c

The Honoble	Nathaniel Rice	Edward Moseley	Esqrs Members of His Majestys Council
	Eleazer Allen	Roger Moore	
	Mathew Rowan	William Forbes	

Read the following Petitions for Warrants Vizt

Robert Lee 200 Craven, Bennet Blackman 200 Dº Granted

Read the following Petitions for Patents Vizt

Jacob Taylor 140 Craven, Nicholas Routledge 400 Dº, Mathew Rayford 640 Dº, Jonathan Taylor 600 New Hanover, Thomas Mercer 200 Craven Granted

Upon the Petition of Francis Beter the Executor (in Right of his Wife Elizª) of Thomas Pitson decēd

Shewing That the Church Wardens and Vestry of Christ Church in Craven County obtained a Ne Exeat against him by which he hath been confined in New-Bern Goal since the 7th of Febry last and who at the same time filed a Bill in Chancery against him and others for a certain Legacy left to the Poor of the said Parish by a Pretended Will called the last Will and Testament of the said Thomas Pitson decēd And as he can shew the said Pretended Will to be unlawfull and not the last Will and Testament of the said Thomas Pitson when required, Praying to be relieved in the Premises

Whereupon His Excellency the Governor on hearing the Council for the Petition, and also for the Parish was Pleased to dissolve the said Ne Exeat

Read the Petition of Nathan Smith, Praying for a Resurvey of some Lands lying in Craven County which he purchased of the Heirs of Charles Glover decēd, the said Smith apprehending that there is a greater Quantity of Land within the Lines of Glovers Patent than the said Patent mentions, And it being suggested that Arthur Johnson some considerable Time agoe had Petitioned for a Resurvey of the said Glovers Land but that he could not find the Courses of the said Glovers Land in the Secretarys Office

Whereupon His Excellency was pleased to Order that the said Smiths Petition be delayed 'till the next Court of Claims and Johnson do then make return of his Resurvey.

Read the following Petitions for Patents Vizt

Benjamin Sanderson 150 Craven, Do Do 150 Do. Granted

At a Council held at New Bern 28th June 1746

Present His Excellency Gabriel Johnston Esqr Gov. &c

The Honoble	Nathaniel Rice	Edward Moseley	Esqrs Members of His Majesty's Council
	Eleazer Allen	Roger Moore	
	Mathew Rowan	William Forbes	

Read the following Petitions for Land Vizt

Richard James 150 New Hanover, Benjamin Fuzzell 150 Do. Granted

Read the petition of John Fitzjarrald

Shewing, That Richard Bass by the Kings Patent is possessed of a Tract of Land containing 400 Acres on the North side of Neuse river and conceiving that the said Bass holds a considerable Quantity of Land more than the said Patent mentions, Therefore prays a Resurvey thereon which is Granted

Read the Petition of Moses Reed in behalf of the Orphans of Henry West deced.

Shewing That the said West in his Life time took up and patented 640 Acres of Land in Edgecombe County on the North side of Fishing Creek, but having just reason to believe that there is not near that Quantity of Land within the Lines of the said Patent Praying a Resurvey thereon which is Granted.

Read the Petition of Magdaline Hamilton for a patent for 640 Acres of Land in New Hanover County the same is Granted.

Whereas an Order of Council was made in the Month of March 173$\frac{8}{9}$ Importing that whereas by a former Settlement for the distribution of the £200 Proclamation Money allowed by His Majesty for the holding two Courts of Oyer and Terminer, the provost Marshall was to receive the sum of £60 for his attendance on the said Courts, And whereas sometimes after the said settlement, the said Office of Provost Marshall was abolished, and Sheriff instituted in his stead

His Excellency by and with the advice and consent of His Majestys Council thought proper to make the following alteration in the said Establishment Viz^{t} That only Thirty Three Pounds six shillings of the said Two hundred be hereafter paid to the Sheriff now in the Place of the Provost Marshall, Viz^{t} the two Sheriffs of Chowan and New Hanover, And that the residue of the said Sixty Pounds Proclamation ℔ Annum Viz^{t} Twenty six Pounds thirty shillings and four pence ℔ annum be paid to the four Senior Councellors for holding Courts of Oyer and Terminer at Wilmington who were at the same time appointed to hold the said Courts

And the Secretary acquainting this Board that the said Order for want of the Record Book to enter the same in due time and place was lost in Carrying from one place to another or mislaid so that it could never be found to be entered in the Council Journal

Resolved that the foregoing Recital contain the matter of the said Order of Council so lost or mislaid, and that notwithstanding such Omission or non-entry, the said Order do stand and have its Effects with regard to the said Councellors who are or shall be entituled to receive such Part of the said £60 as aforesaid from the time aforesaid, and that they continue to receive the same.

Mathew Rowan, William Forbes and George Gould Esq^{rs} Three of the Commissioners appointed by Governor in behalf of His Majesty for Continuing the Line Ordered to be run by His Majesty between him and the Earl of Granville in conjunction with those appointed by the said Earl of Granville One full and entire Eight part of the Province of Carolina now Exhibited their Several Accounts of Expences in this Service which were as follows Viz^{t}

NORTH CAROLINA—BATH TOWN

Disbursements by Mathew Rowan One of the Commissioners for running the Line between His Majesty and Lord Granville.

$174\frac{5}{6}$					
March	19th	—To ¼ part of Capt Cotauches Acct	£	43	
		To ¼ part of Cass Acct		14 "	7 " 6
	20th	To paid at Allegoods		1	
1746		To paid Matthews for ½ busl Corn			10
April	7th	To paid for taking two Horses		2	
	10th	To paid Mr. Benja Peyton for 3 Negroes and 3 Horses each		84	
		To paid Francis Searle 28 days for himself and Horse		28	
			£	172 "	17 " 6
		To paid Thomas Mills half his Wages		12 "	
		To paid Peter Parker in Sundries		20 "	
		To paid Benjamin Goodrick		3 "	
	11th	To paid John Smith		5 "	
	12th	To paid Stephen Hollingsworth for Corn		1 "	
		To my own allowance for myself servant Horses and Expenses at £1 : 10 Ster ℔ day and for going and returning, Beginning the 3d day of March being 46 days in the whole		690	
			£	903 "	17 " 6

Errs Exd MATHEW ROWAN

Newbern June 27th 1746.

BATH TOWN.

An Account of Disbursements by William Forbes One of the Commissioners for running the Line between His Majesty and Lord Granville

To cash Paid Capt Cotauche for Sundries for the Expedition	£	43 "	10
To paid John Moy for his Wages on Do		39 "	
To paid McCalf for Sundries on Do		14 "	7 " 6
To my Wages 47 Days at 30s Ster ℔ day in N. Carolina Curry amounts to		705	
	£	801 "	17 " 6

Errs Exd ℔ WILLIAM FORBES.

New Bern June 28th 1746

BATH TOWN

Disbursements by George Gould Esq^{r} One of the Commissioners for runing the Line between His Majesty and Lord Granville

1745

Sep^{t} 23^{d}	To Bills paid Thomas Todd as Chain Bearer	£	7	
	D^{o} to William Smith another Chain Bearer		10	
	D^{o} to Joseph Bullerton		7	
	D^{o} to Peter Yates		7	
	To Bills for Ferrys &c		8	
	Paid Duncan		16	" 10
	To canvas for Bags and hire of a baggage Horse		10	
	To Bills paid Duite for the Chain Carriers		3	
	To 7 Days Wages		105	
			£173	" 10

Err^{s} Ex^{d} GEORGE GOULD.

NORTH CAROLINA—BATH TOWN

Disbursements by George Gould Esq^{r} One of the Commissioners for running the Line between His Majesty and Lord Granville

$174\frac{5}{6}$

March 8	To Mr. Duncans Bill for Jno Gray Dep. Su^{r}	£10	"	13	" 6
	To Hamiltons Bill	4	"	12	"
	To Buttertons Bill, Mr. Duncans & Mr. Howcots	8	"	2	"
	To William Gray Chain Bearer	2	"	2	"
	To Mr. Congleton £1, 17, 6 To Mr. Bonner £10	11	"	17	" 6
	To Mr. Nois and at Guins Ferry	7	"	5	"
	To Mr. Buck £13 paid Mr. Ward thro' the swamp 3	16			
	To Mr. Bonner for 5 breakfasts and hire of two boys	2	"	5	
	To more paid to Mr. Buck	5			
	To paid Guess £1 & D^{o} for Corn £2.	3			
	To paid Mr. Allen my part of Provision at Bath	57	"	10	
	To Corn and Eggs	2	"	15	
	To John Gray for Ozenb: &c	2			
	To paid John Grays Son	38			

To John Butterton	40		
To Mr. Buck for two Horses and a Negroe	31	"	10
To my own Wages 42 days	630	"	
To 200 ℔ of Bread paid for to Mr. Boyd	20		
To 2 Tin kettles and sauce pans	4	"	16
To a Gridiron	1	"	15
To Hire of a Tent	20		
	£919	"	1

Err^{d} Ex^{d} GEORGE GOULD.

John Gray one of the Surveyors on the Part of his Majesty Producing to the Board a Certificate under the Hands of the Commissioners of the Numbers of Days he was in the Service in continuing the Dividing Line between His Majesty and Lord Granville whereby it appeared there was due to him for his said Service and return home, the sum of £231.5.

His Excellency the Governour was thereupon pleased to lay the same before the Board for their Inspection, and the Board having Examined the Several Articles contained in their respective Accounts find the same to be agreeable to the Order of this Board for settling the Wages and Expences of the Commissioners and Surveyors on this Service and are therefore of Opinion that the said Accounts are Just and reasonable.

Whereupon His Excellency the Governour in Pursuance of His Majestys Royal Order and Instruction was pleased to Order a Warrant to be drawn directed to Eleazer Allen Esq^{r} His Majestys Receiver General of this Province to be signed by him and the Council for paying the said Commissioners the sum of £302.19.1½ Sterling being the Amount of their Several Accounts now delivered

Edward Moseley Esq^{r} Produced to the Board a Paper Dated at Saxapahaw River the 10th of April 1746, Signed by Eleazer Allen, Mathew Rowan, William Forbes and George Gould Esq^{rs} Commissioners for runing and continuing the Earl of Granvilles Southern Boundary on the part and behalf of His Majesty and by himself and Roger Moore Esq^{rs} Commissioners on the behalf of the Earl of Granville which he desired might be Entered on Record in the Secretarys Office which is accordingly Ordered And is as follows, Viz^{t}

North Carolina—ss.

We the under written Commissioners appointed by his Majestys Authority and the Earle of Granvilles to run and continue the Earl of Granvilles Southern Boundary having run and marked the same from

the West side of Pamplico River to the West side of Saxapahaw River commonly called the North West Branch of Cape Fear River in all one hundred and three miles and two hundred and seventeen Poles Do hereby consent and agree to run and continue the Earl of Granvilles Southern boundary from the said Saxapahaw River to the Westward and to begin the same in the Month of September ensuing the date hereof for which Purpose it is agreed by Us That the Commissioners on the part of His Majesty and the Earle of Granville are to meet at the house of Peter Parker on Saxapahaw River the Twenty second day of September to continue the said Line on or near thereto as well as may be the said Peter Parker's house being nearest to the Place where we have now left off, the season of Planting not Permitting those Employed by the Commissioners to be longer out in the Back Country at the time of the year nor is the same practicable to be continued at this time by reason of the Poverty of the Houses by Travelling so far already in a part of the Country affording little or no herbage at this Season and very thinly Peopled nor can we be supplyed either with Corn for the Horses or Provision for Ourselves and those employed by us, there being no Inhabitants that can assist us to the Westward of Saxapahaw River. In witness whereof we have this day Sett our Hands at Saxapahaw river this 10th day of April Anno Dom. 1746

EDWARD MOSELEY	MATHEW ROWAN
ROGER MOORE	WILLIAM FORBES
ELEAZER ALLEN	GEORGE GOULD

His Excellency having informed the Board that the Attorney General in behalf of Henry M^{c}Culloh Esq^{r} Commissioner of the Quit Rents had applyed to him for a Copy of Eleazer Allen's Esq^{r} his Bond and Security for the faithfull Execution of his Office as Receiver General of this Province and having demanded their Opinion and Advice, the Receiver General desired to be first heard before the same should be given or any resolution taken thereupon and then proceeded to acquaint his Excellency and the Council that the said Henry M^{c}Cullock had not only given out speeches injurious to his Reputation with regard to the Discharge of the said Office but had some time since writ him a Letter wherein he charges him with defrauding His Majesty in his Accounts which as the said Acc^{ts} were proved before His Excellency upon Oath was indirectly and consequently accusing him of Perjury. And at the same time observed that tho upon the like Complaint in a Memorial by him Exhibited to this Board in April 1745 the said Henry M^{c}Culloh was cited to appear before His Excellency and the Council at their next Meeting to make good his charge or shew cause if any he had for Writing the aforesaid Letter or speaking as aforesaid

he had hitherto failed in such appearance nor had ever offered any thing either by word or Writing in Support of such his Allegations or Insinuations, And Therefore Prayed that the said Henry M°Cullock might be Summoned again to appear before this Board to Shew cause as aforesaid so that he the said Eleazer Allen might have an oppertunity to Vindicate his Character, and that 'till then the said Bond might not be delivered to the Attorney General which would Subject him to a vexatious Prosecution for which he was ready to make appear there was not the least foundation.

Then His Excellency was Pleased to put the following Queries to the Attorney General

First. Did you not apply to me for a Copy of Mr Allens Bond and Security as aforesaid

Answer—That he did, but added twas the Original Bond he wanted

Secondly. Did you apply or had you any Orders from Mr M°Cullock to Apply to the Secretarys Office for such Copy or Original

Answer—No; but was Directed to apply to the Governor.

Thirdly. With what Intent or to what Purpose was this Bond demanded.

Answer—To put in Execution; adding that in the Kings Suite the Original Bond ought to be put into the Hands of the Attorney General.

Then His Excellency was pleased to ask the Opinion of the Council who having considered the Nature of the Demand and the several Answers of the Attorney General to the foregoing Interrogatories, came to the following Resolutions, Viz^{t}

First. That the Attorney General could not regularly apply to the Governor for the said Bond or Copy unless he had been refused the same at the Secretarys Office.

Secondly. That it does not appear to them that the said Henry M°Cullock has any Right to demand the said Bond 'till he has shown whereon his Complaint is founded.

Thirdly. That Prior to such application he ought to have Produced his Commission and Instructions if any such he has, that give him a Right to make such a Demand, antecedently to the taking the said Previous Steps

Fourthly. That the Governor is not obliged to give any Order for Prosecuting of the said Receiver General or Delivery of the said Bond till Mr. M°Cullock has appeared before this Board to Justify his complaint.

Fifthly. That after that, and upon a Suite commenced, the Attorney General might have a Copy of the said Bond from the Secretarys Office

and when the same is at Issue upon a Precept from the Court, the Original.

Then the Board was Pleased to Order that the said Henry M^cCullock do lay his Commission before the Board, or an Attested Copy thereof at their next meeting; as also his instructious, if any such he has whereon to found a Pretension of this extraordinary Nature, And that he fail not then to appear to give in his Answer to the aforesaid Memorial and Representation of the Receiver General, And that he be summoned accordingly

His Excellency the Governor was pleased to order a Dedimus to issue directed to the Chairman and the rest of the Justices of New Hanover County to Administer the Oaths of Government (as also the Oath of a Justice of the Peace) to William Dry and Gen^t hereby appointed Justices of the Peace for and within the said County of New Hanover.

His Excellency the Gov. by and with the Advice and Consent of His Majestys Council was pleased to Order a New Commission of the Peace to issue for Edgecombe County, Constituting and appointing William Cathcart, David Coltrane, John Hardy, Joseph John Alston, James Speir, Samuel Williams, Thomas Hearny, Joseph Howell, John Haywood, William Taylor of Conoconaro, William Kinchen, James Conner, William Taylor near Zehukee, John Lane, John Pope, William West and Aquilla Suggs Esq^rs Justices of the Peace for and within the said County

His Excellency the Governor was pleased also by and with the Advice and consent of His Majesty's County [Council] to Order a Commission of the Peace to issue for Granville County constituting and Appointing William Eaton, William Persons, James Mitchell, James Payne, John Martin and Robert Parker Esq^rs Justices of the Peace for and within the said County.

His Excellency the Governor was also pleased by and with the advice and Consent of his Majestys Council to Order a Commission of the Peace to issue for Pasquotank County constituting and appointing Thomas Pendleton, Charles Sawyer, Cornelius Relf, David George, William Burgess, John Scarbrough, Benjamin Burnham, Robert Munden, Thomas Relf, Benjamin Simons, Robert Lawrey, Joseph Bailey Esq^rs Justices of the Peace for the said County

A new Commission of the Peace was Ordered by His Excellency the Governor (by and with the advice and consent of His Majestys Council) to issue for Hyde County constituting and appointing Joseph Tart John Smith Sen^r Richard Laremount, John Smith Jun^r Benjamin Martin John Harvey, Nathaniel Elom, John Smith Cooper, Aaron Tyson, Henry

Gibbs Sen^r^ John Slade Sen^r^ Foster Jarvis, Henry Gibbs Jun^r^ George Turner Esq^rs^ Justices of the Peace for and within the said County

Ordered That a Dedimus issue directed to the Chairman of the County Court of Chowan to Qualify Henry Baker, John Sumner, Demsey Sumner and William Hunter Gen^t^ hereby appointed Justices of the Peace for and within the said County of Chowan.

Ordered that a New Commission of the Peace issue for Craven County constituting and appointing Samuel Johnston Justices of the Peace for and within the said County

Ordered that a New Commission of the Peace issue for Johnston County constituting and appointing Francis Sliniger, John Becton, Simon Bright, John Irms, Abraham Boyd, John Smith, Samuel Smith, John Kerring Sen^r^, Gilbert Kerr, John Monk, Robert Butler, John West and James Macklewain Justices of the Peace for and within the said County.

Read the Memorial of Capt John Benburry charging William Luton late Sheriff of Chowan and now a Justice of the Peace for the said County with divers abuses and Malversations in both the said Offices as well as in the Administration of the Estate of Kender Luton deceased.

Ordered that the Chief Justice be directed to enquire into the Merrits of the Complaint and to examine Witnesses upon the Several Alligations of the said Memorial and to make report to His Excellency the Governour of the Effect of his said Inquisition and Examination and that a copy of the said Memorial be transmitted to the Chief Justice together with this order thereupon.

[B. P. R. O. B. T. Vol. 28.]

LEGISLATIVE JOURNALS.

North Carolina—ss.

At an Assembly begun and held at New-Bern the Twelfth day of June in the Twentieth Year of the Reign of Our Sovereign Lord George the Second by the Grace of God of Great Britain, France & Ireland King (& so forth) And in the Year of Our Lord One Thousand seven Hundred and Forty six being the first Session of this Present Assembly.

Pursuant to the several Writts for Electing Members, Representatives for the several Counties and Towns within this Province to serve in this Present Assembly. The following Persons were returned. Viz^t^

Chowan—Mr. Peter Payne, Mr. Joseph Blount, Mr. Joseph Anderson, Mr. John Benbury

Pasquotank County—Mr. Julius Cæsar Park

Currituck County—Mr. Caleb Wilson, Mr. Henry White, Mr. Thomas Lowther, Mr. William Shergoold

Edgcomb County—Mr. John Haywood, Mr. Joseph Howell

Onslow County—Mr. Samuel Swann, Mr. John Starkey

New Hanover County—Mr. Samuel Swann

Bertie County—Mr. John Wynns.

Tyrell County—Mr. Steven Lee, Mr. William Maccay, Mr. Samuel Spruell, Mr. Edward Phelps, Mr. James Blount

Beaufort County—Mr. John Barrow

Craven County—Mr. James Macklewean, Mr. Francis Stringer

Carteret County—Mr. Thomas Lovick, Mr. Arthur Mabson

New-Bern—Mr. Thomas Pearson

Edenton—Mr. James Craven

Wilmington—Mr. Thomas Clark.

Who took the Oaths by Law appointed for their Qualification subscribed the Test and took their Seats in the House.

His Excellency the Governor sent a Message to this House Commanding their Attendance in the Council Chamber.

The House in a full body waited on His Excellency in the Council Chamber when His Excellency was pleased to command them to return and make choice of a Speaker.

The House being returned Mr. John Starkey moved that as Mr. Samuel Swann had been Speaker heretofore and no objection lay against his behaviour in that Station he may be chosen Speaker, which pass'd, Nem Contradicente.

The House returned to His Excellency in the Council Chamber and presented Mr. Samuel Swann for Speaker of this House for His Excellency's approbation who was pleased to approve of their choice, & made the following Speech. Viz^{t}

GEN^{t} OF HIS MAJESTY'S COUNCIL, MR. SPEAKER & GEN^{t} OF THE HOUSE OF BURGESSES

It is with the greatest pleasure that I can inform you now at your first meeting that His Majesties Victorious Arms have got the better of that unnatural rebellion which for this Eight months past has so violently disturbed the peace of our Mother Country and so much alarmed all the friends of our happy Constitution in Church & State. It will no doubt be a mighty satisfaction to you that all those desperate attempts against the best of Kings (who has always made the Laws of the Land the rule of his Government and who has always discovered a most ten-

der and paternal care for the liberties and interests of all even his remotest Subjects) are now disappointed and are turned to the Confusion of his and our Enemies.

Mr. Speaker, It has been the cause of great grief and anxiety to me that in such perilous times when a Foreign and Civil War are raging at the same time that this Country should be without a proper Law for regulating the Militia by which we are rendered incapable of assisting our fellow Subjects or defending ourselves if we should be invaded by a Cruel and merciless Enemy. There are many other misfortunes which this Country labours under and cannot be remedied without the help of the Legislature. I have often repeated them to former Assemblys but with very little success, I have no delight in repeating them. You are all of you sufficiently apprized of them.

The People already begin to feel them and will every day feel them more severely if not speedily redressed.

I shall only then Gentlemen assure you, and I do it with great truth and sincerity that I shall always be ready cheerfully to concurr with you in anything which tends to the Publick Emolument and the greater number of good Laws you pass, the greater pleasure you will do me.

The House adjourned till 4 o'clock.

P. M. The House met according to Adjournment.

Mr. Wyriot Ormond member for Bath Town, Mr. John Hodgson member for Chowan County, Mr. Benjamin Hill & Mr. James MacDowell two of the Members for Northampton County, Mr. Luke Sumner one of the Members for Pequimons County appeared, took the oaths by Law appointed for their Qualification subscribed the Test, and took their seats in the House.

Mr. John Starkey moved that a Committee be appointed for examining stating and settling the Publick Accounts of this Province, and the following Persons were accordingly appointed. Viz^{t}

Mr. John Starkey, Mr. Joseph Anderson, Mr. Benjamin Hill, Mr. James Craven & Mr. Peter Payne.

Mr. John Hodgson, Mr. John Starkey, & Mr. Wyriot Ormond were appointed to prepare an Address in answer to His Excellency the Governor his Speech, and that when prepared they lay the same before this House.

Mr. John Hodgson moved that the following Persons be appointed a Committee for Examining and allowing Publick Claims Viz^{t}

Mr. Thomas Lovick, Mr. John Dawson, Mr. John Haywood, Mr. Luke Sumner & Mr. Caleb Wilson. Who were accordingly appointed.

Mr. John Hodgson moved that a Committee be appointed for receiving propositions and grievances, and the following Persons were accordingly Appointed Viz[t]

Mr. Wyriot Ormond, Mr. Thomas Clark, Mr. Thomas Lowther, Mr. John Edwards, Mr. Stevens Lee, Mr. Francis Stringer, Mr. John Banbury, Mr. John Starkey, Mr. Luke Sumner, Mr. Arthur Mabson, Mr. Julius Cæsar Park, Mr. John Wynns & Mr. Joseph Howell.

Mr. Samuel Swann being returned Member to serve for the County of Onslow and also for the County of New Hanover and being asked by the House which of the two Counties he would serve for, declared he served for Onslow County, whereupon Mr. Thomas Clark moved that His Excellency the Governour be addressed to order the Clark of the Crown to issue a writt for electing a Member to serve in this Assembly for New Hanover County in the room of Mr. Samuel Swann who has as aforesaid declared for Onslow County.

Resolved His Excellency the Governour be addressed accordingly.

Sent the following Message to His Excellency the Governour.

MAY IT PLEASE YOUR EXCELLENCY.

Mr. Samuel Swann being returned by the Sheriff of New Hanover County, and also by the Sheriff of Onslow County duely elected Member to serve in this Assembly for each of the said Counties, and has declared to this House that he serves for Onslow County. Whereupon for want of a member the said County of New Hanover cannot be duly Represented.

We therefore desire your Excellency would be pleased to order the Clerk of the Crown to issue a writt for Electing a Member to serve for New Hanover County in the room of Mr. Samuel Swann who has declined serving for this County as aforesaid.

By Order SAMUEL SWANN Speaker

June 12[th] 1746.

Sent the following Message to the Council (that is to say)

GENT: OF HIS MAJESTYS HON[ble] COUNCIL

We have appointed Mr. John Starkey Mr. Joseph Anderson, Mr. Benjamin Hill, Mr. James Craven, Mr. Peter Payne, a Committee of this House on the Publick Acc[ts] and Mr. Thomas Lovick, Mr. John Dawson, Mr. John Haywood Mr. Luke Sumner & Mr. Caleb Wilson a Committee of this House for allowing Publick Claims to joyn such Members of your House as your Honours shall think proper for that purpose.

By Order SAMUEL SWANN Speaker.

June 12[th] 1746.

The House adjourned till to-morrow 8 o'clock

Fryday, 13th June 1746. The House met according to Adjournment.

Mr. Macrora Scarborough, Mr. John Harvey, two of the Members for Pequimons County, Mr. Benjamin Peyton, one of the Members for Beaufort County, Mr. Thomas Pendleton one of the Members for Pasquotank County appeared took the Oaths by Law appointed for their Qualification, subscribed the Test and took their seats in the House

Mr. Craven moved that a Committee be appointed to inspect the Militia Law & Report what Amendments are Required therein.

Ordered, That Mr. James Craven, Mr. Macrora Scarborough, Mr. Julius Cæsar Park, Mr. Peter Payne, Mr. Wyriot Ormond, Mr. Benjamin Hill, do inspect the said Law and report ut supra.

Mr. Craven moves for leave to bring in a Bill to direct the method of Inspecting the several Comodities of this Province.

Ordered to have leave and that Mr. Craven & Mr. Payne do prepare & bring in the same.

The House adjorned for half an hour.

The House met according to Adjournment

Mr. John Hodgson from the Committee appointed to prepare an Address to His Excellency the Governour in Answer to His Excellys Speech. Reported that the said Committee had prepared the same which he read in His place.

Ordered, The same be Engrossed.

The House adjourned till 3 °Clock.

P. M. The House met according to Adjournment.

His Excellency the Governour sent a message to this House commanding their immediate Attendance in the Council Chamber.

The House in a full body waited on His Excellency the Governour in the Council Chamber when Mr. Speaker presented His Excellency with the following Address. Vizt

North Carolina—ss.

To His Excellency Gabriel Johnston Esqre Capt General Governor and Commander in Chief in and over the said Province.

The Humble Address of the General Assembly of the sd Province.

May it please your Excellency,

It is with the greatest pleasure & satisfaction we receive from your Excellency the agreable news of the success of His Majestys Arms and the suppression of the unnatural Rebellion, and hope His arms will ever

prevail against such daring attempts against His Person and Government and such violent disturbers of the peace & Tranquility of our Mother Country.

We shall take care to supply what defects may be in our Militia Law so as to render us capable to defend ourselves and (as far as the Circumstances of our Constituants will admit) assist our neighbours in case of any invasion.

We believe this House in former Assemblys had the Publick good at heart and endeavoured to remedy the misfortunes & inconveniencies this Country laboured under, and assure your Excellency we are now met with the same views, and it shall be our study and care (with the Concurrence of the other branch of the Legislature) to pass such Laws which may promote the welfare and Interest of this Province.

The pleasure your Excellency expressed in your Speech, the making a number of good Laws would give you, and your ready concurrence in everything which may tend to the Publick emolument and which we have no reason to doubt from the kind assurance you have given us, lays us under an obligation to return your Excellency our sincere thanks, and will incite us to proceed with alacrity and cheerfulness.

13th June 1746. SAMUEL SWANN Speaker.

Mr. Craven moved that a Committee be appointed to prepare and bring in a Bill to settle the seat of Government & transacting Publick Business & to regulate the Practice of the Courts of Justice.

Ordered, that Mr. James Craven, Mr. John Hodgson, Mr. Joseph Anderson, Mr. Wyriot Ormond Mr. John Haywood do prepare and bring in the same

Mr. Thomas Lowther moved that a Committee be appointed to prepare and bring in a Bill for regulating the Fees of the several officers in this Province.

Ordered, that Mr. John Starkey, Mr. John Edwards, & Mr. James Craven do prepare and bring in the same.

The House adjourned till to morrow 12 o'clock.

Saturday 14th June 1746. The House met according to adjournment.

The House adjourned till Monday 10 o'clock.

Monday 16th of June 1746. The House met according to Adjournment.

Mr. John Smith one of the Members for Hyde County, and Mr. William Bartram one of the Members for Bladen County appeared took the Oaths by Law appointed for their Qualification subscribed the Test & took their seats in the House.

The House adjourned till to morrow morning 9 o'clock.

Tuesday 17th June 1746. The House met according to Adjournment.

Read the Petition of the Meherin Indians, setting forth the hardships they labour under by reason of the white people intruding on their Possessions and also that the Commissioners appointed by an Act of the General Assembly to settle the said Indians in the quiet possession of their possessions, and praying relief thereon.

On reading of which said Petition Mr. Benjamin Hill moved for leave to bring in a Bill pursuant to a prayer of the s[d] Petition.

Ordered that he have leave & that he prepare & bring in the same.

Mr. Ormond from the Committee appointed to Inspect the Militia Law Reported the said Committee had inspected the said Law and had made remarks on the several Amendments required therein, and brought in a Bill for regulating the Militia Law, which he read in his place.

Ordered the same pass.

Sent the said Bill to the Council by Mr. Wyriot Ormond & Mr. Benjamin Hill.

Mr. Benjamin Hill brought in a Bill for the more quieting the Meherin Indians in their Possessions, which he read in his place.

Ordered the same be sent to the Council.

Sent the same to the Council by Mr. Wyriot Ormond and Mr. Benjamin Hill.

The House adjourned till 3 o'clock.

P. M. The House met according to Adjournment.

Read the Petition of Thomas Giddins of Beaufort County Praying to be exempt from paying Publick Taxes. A certificate appearing from the Court of the County of Beaufort of his inability to pay such taxes.

The prayer of the said Petition Granted.

His Excellency the Governor was pleased to lay before this House the following Letter and Abstracts of the Minutes of the Commiss[rs] of Indian Affairs in New York etc as follows.

New York, 31st March 1746.

Sir,

I acquainted you the 27th January last that Committees of both Houses had requested me to appoint Commissioners to treat with Commissioners to be appointed by the Neighbouring Governments, touching our mutual security and defence during the present war, I have accordingly appointed Commissioners for that purpose so has Governour Shirley and I hope the like steps will be taken by your Government without delay.

In the mean time I have inclosed Abstracts of the minutes of the Commiss[rs] of Indian Affairs of 25[th] of February last containing the resolution of the six nations of Indians as signified by the Interpreter in answer to my Message requiring them to enter into the war with us against the French and Indians in alliance with them that it may appear to you how highly it imports the several Colonies upon the Continent to unite their Endeavours with this, effectually to preserve the six nations & other Indians in Alliance with us and them in their Fidelity to His Majesty and dependance upon the British Interest as all are so nearly concerned in the Consequences of their revolt which seems next to be apprehended since they have refused engaging in the War.

I am with great respect Sir

Your most obedient Humble servant

GEO CLINTON.

At a meeting of the Commiss[rs] of Indian Affairs the 22[nd] day of January $174\frac{5}{6}$

Present The Commis[rs] of Indian Affairs.

The Commissioners gave the following Instructions to the Interpreter whom they sent to each respective Castle of the six Nations.

"You are commanded to go forthwith to each of the Castles of the six "Nations and tell them that the Governour orders them to take up the "Hatchet and joyn with us against the French & their Indians accord-"ing to their engagement, since the insults committed at Saraghtoga take "away all hopes of a neutrality. You are to acquaint them there is a "reward to Twenty pounds for every male prisoner of the enemy above "the age of sixteen years and ten pounds for the scalp of a male enemy "above that age and for scalps of males under that age £5, and for male "prisoners under that age £10 to be paid to them immediately for each "prisoner or scalp brought to the Comm[rs]. You are to ask them the "reason why they did not find ten men of each Castle to go on the scout "as they promised you. You may take with you four white men "Indians for your assistance.

"You are to inform yourself of all news amongst them, and if any "French or french Indians are now or lately have been there, if you "hear anything of moment you are to dispatch a messenger to us and to "confirm this message we give you a Belt & seven bands of Wampum, "Dated as above

February 25[th] $174\frac{5}{6}$

The Interpreter being returned said that four of the principal Sachims of each nation met at Onandage where he delivered his Message to the whole Assembly and four days after received for answer as follows.

They said, "After they had fought against one another all the last "war, they at last concluded a peace with their Enemys which they were "still resolved to maintain with those in alliance with them, that it was "very hard for them to enter into a War, the Indians of the six nations "and the French Indians all spring of our Blood, they had made mar- "riages and Alliances with one another, it was much easier for the "white people to go to war than they, the Kings of the white people "make war and conclude peace and the subjects must obey but they had "no King so that if they should enter into war against one another the "war would continue for ever, whereupon they refused to take up the "Hatchet with the English or to have anything to do with the war "against the French & French Indians.

They desired the Governour would not think this their refusal makes any breach in the Covenant Chain for in their former wars all their Castles had been cut off by the French, and that they had often applyed for assistance but had none. The Mohawks only accepted and they did not look upon that as a breach of the Covenant Chain.

The Interpreter represented to them the Conditions of the Covenant Chain and that they had taken up the Hatchet when His Excell^{y} the Governour was last at Albany and promised to make use of it when the Governour ordered them, but notwithstanding this and several other things the Interpreter then mentioned to them they absolutely refused to have anything to do in the war with the English against the French & French Indians.

The House adjourned till to-morrow 9 o'clock.

Wednesday 18th June 1746. The House met according to Adjournment.

Received from the Council the following Bills (that is to say) The Militia Bill and the Bill for quieting the Possession of the Meherin Indians. Endorsed June 18th 1746 In the Upper House read the first time & passed.

Mr. John Haywood brought in a Bill to divide Edgcomb County, which he read in his place.

Mr. Peter Payne moved that a Committee be appointed to prepare a Bill for facilitating the Navigation of this Province and the following Persons were accordingly appointed Viz^{t}

Mr. John Haywood, Mr. Julius Cæsar Park, Mr. Joseph Blount, Mr. James McDowell, Mr. Thomas Pearson, Mr. William Maccay & Mr. James Blount

Received from the Council the following Message Viz^{t}

MR. SPEAKER AND GENT.

On reading the Message of your House regarding the Committees upon the Publick Claims & Accounts This House thought fitt to appoint the Hon^{ble} Mathew Rowan and Roger Moore Esq^{r} upon the Claims. And the Honourable Edward Moseley and William Forbes Esq^{rs} on the Accounts to joyn those of your House

By Order of the Upper House

June 13th 1746.

Sent the Bill, for an Act to divide Edgcomb County, to the Council By Mr. John Haywood & Mr. Joseph Howell.

The House adjourned till 3 o'clock.

P. M. The House met according to Adjournment.

Mr. John Haywood moved that two or more members of this House might be added to the Committee of Claims.

Ordered That Mr. James McDowel & Mr. Benjamin Peyton be according added to the said Committee

The House adjourned till to morrow 9 o'clock.

Thursday the 19th of June 1746. The House met according to Adjournment.

Mr. Francis Stringer brought in a Bill for erecting the Upper part of Craven County into a County & Parish, etc which he read in his place.

Ordered the same pass & be sent to the Council

Sent the above Bill to the Council by Mr. Francis Stringer & Mr. James Macklewean

The House adjourned till 3 o'clock.

P. M. The House met according to Adjournment.

Mr. Julius Cæsar Park reported from the Committee of Propositions & Grievances as follows (that is to say)

NORTH CAROLINA—ss.

At a Committee of Propositions and Grievances for this Province the 13th day of June 1746 Anno Dom:

Present.

Mr. Thomas Clark	Mr. Joseph Howell	Mr. John Wynns
Mr. Julius Cæsar Park	Mr. John Starkey	Mr. Art. Mabson
Mr. Stevens Lee	Mr. Francis Stringer	Mr. Tho: Lowther

Mr. Jn^{o} Edwards, Mr. Jn^{o} Benbury.

The Committee having met they proceeded to make choice of a Chairman and thereupon chose Mr. Julius Cæsar Park who took his place accordingly.

The Committee taking into Consideration the necessity there was to have a Clerk Chose Henry Delon to act as such.

Resolved by this Committee that so many of the Grievances reported by the Committee of Grievances last Assembly as remain unredressed be again Reported.

Resolved, By this Committee that no produce of this Province being accepted in payment of Quit rents of late Years which from the great scarcity of silver & gold puts it entirely out of the power of many of the Inhabitants of this Province to pay their Quit rents is a very great grievance.

Resolved by this Committee that persons holding large Tracts of Land in this province by Warrants or otherwise and not seating & cultivating the same hinders numbers of strangers from settling amongst us is a great grievance.

Resolved, By this Committee that Officers under colour of their Office having taken new Fees not warranted by Law, & having extorted greater Fees than allowed by Law is an Oppression of the subjects and a great grievance.

Resolved, by this Committee that whereas the payment of the Powder and Footage Money hath not Answered the ends designed the Vessels having paid more for Pilotage to Pilots since that Law than before it, is now become a Dead Weight upon Trade and a Great Grievance.

Resolved by this Committee that the Rangers Commissions as now executed by their Deputies & sub deputies in killing and branding Peoples unmarked Stocks and driving about their marked Ones is a great Grievance. It is the Opinion of your Committee that the Property of all unmarked Stocks is Vested in the Owners of the Land they range upon or the Stocks they range among unless any special property can be proved.

Resolved by this Committee that the summoning so great a number of Jurymen to attend at the General and Circuit Courts as is now practiced is become burthensome and a great Grievance. And it is the Opinion of your Committee that a lesser number may serve and that they ought to be allowed something towards their Expences out of the County Taxes or otherwise.

Resolved by this Committee that the dis-use or the uncertain holding of the Court of Chancery, whereby the suitors are delayed or disappointed is become a great Grievance.

Resolved by this Committee that the obliging Persons to go thro all the Forms and paying the Fees for administration on Very small Estates is become a Grievance.

Resolved by this Committee that Mr. Secretarys leting out the County Clerks places for such large salaries or shares whereby they may be tempted to extort on the people and few but necessitous Persons care to accept of the said Office on such Conditions so that the duty is poorly performed, and that the said Clerks not residing in their Respective Counties is become a Grievance.

Resolved by this Committee that the so long delaying the printing of the Laws that persons concerned scarce know when they transgress them, and thereby through ignorance become lyable to Fines and Punishments is a very great Grievance.

Resolved by this Committee that the uncertain and Itinerant condition of the Secretary's office and the carrying of Records & other Papers from place to place over great Ferrys and on Horseback whereby the Titules of many People may become precarious is a very great Grievance.

From the Complaint of several of the Members of the Counties of Bertie and Tyrrell where His Excellency the Governor hath Plantations and Quarters that the several Overseers have absolutely refused to send his slaves under their care to work on any roads and also to return any list of their Tythables and the officers have been deterred by menaces from making distress as the Law directs by which Practise the labour falls heavier on the rest and the Taxes the larger your Committee is of opinion it is a great Grievance to those Counties.

From the Complaints of the Gentlemen from Pasquotank County that Colonel Thomas Hunter late Sheriff of that County and a select number of Justices as they suggest made for that purpose have misapplyed a large sum of money raised on that County for building a Prison and Warehouse whereby the County has been in a manner defrauded. Your Committee propose the said fraud (if any) may be inquired into and such relief given as the House shall think fitt.

JULIUS CÆSAR PARK,	JOSEPH HOWELL,
THOMAS LOWTHER,	JOHN EDWARDS,
JOHN BENBURY,	JOHN WYNN,
JOHN STARKEY,	STEVENS LEE,
THOMAS CLARK,	ART. MABSON.

To all which Reports the House concurred.

Mr. Francis Stringer produced to this House a certificate from the County Court of Craven certifying that Joseph Maner is a very poor man and not able to pay Levies or Taxes.

Ordered to be exempt from paying Publick Taxes.

Mr. Francis Stringer produced to this House a certificate from the County Court of Craven certifying that Philip Wothers & John Lord are very poor men and not able to do Publick Services nor pay Publick Taxes.

Ordered they be exempt from Publick services and from paying Publick Taxes.

The House adjourned till to-morrow 9 o'clock.

Fryday the 20th of June 1746. The House met according to Adjournment.

Mr. Thomas Weeks one of the Members for Pequimons County, Mr. Symon Bryan, Mr. Joseph Bayly and Mr. Benjamin Simons for Pasquotank County appeared, took the oaths by Law appointed for their Qualification subscribed the Test and took their Seats in the House.

Read the Bill for regulating the Militia of this Government.

Mr. Starkey moved that the House resolve into a Committee of the whole House to debate the several Clauses in the s[d] bill contained.

The House resolved into a Committee of the whole House and chose Mr. John Starkey Chairman.

After the Committee had debated on the several Clauses in the said Bill contained and agreed to and made several Amendments therein. Mr. Speaker resumed the Chair.

Mr. Chairman reported to the House that the Committee had agreed to and made several Amendments in the said Bill.

Ordered the said Bill be read with the said Amendments.

The said Bill with the Amendments were accordingly read.

Ordered the same pass with the said Amendments and be sent to the Council.

Sent the said Bill to the Council by Mr. Wyriot Ormond and Mr. Scarbrough.

Mr. Francis Stringer moved for leave to absent himself from the service of the House till Monday next.

Ordered he have leave accordingly.

The House adjourned till 4 o'clock.

P. M. The House met according to Adjournment.

Read the Petition of several of the Inhabitants of Bladen and New Hanover Counties. Setting forth the great hardships they labour under by Stock ranging in the Back Woods in the winter range. Praying to be relieved in the Premises.

Mr. Bartram moved for leave to bring in a bill pursuant to the prayer of the said petition.

Ordered that Mr. Thomas Clark, Mr. William Bartram, and Mr. John Starkey do prepare and bring in the same.

Read the Petition of several of the Inhabitants of Pasquotank County praying an Act might pass for Erecting a Town in Pasquotank County etc.

Ordered that Mr. Julius Cæsar Park, Mr. Thomas Pendleton, and Mr. Simon Bryan do prepare and bring in the same.

Read the Bill the second time for the more quieting the Maherin Indians in their Lands with Amendments.

Ordered the same pass and be sent to the Council.

Sent the same to the Council by Mr. Benjamin Hill and Mr. James M^{c}Dowell.

Mr. John Barrow moved for leave to absent himself from the Service of the House till Monday next.

Ordered he have leave accordingly.

The House Adjourned till to-morrow 9 o'clock

Saturday the 21st of June 1746. The House met according to Adjournment.

Mr. John Smith Jun^{r} One of the Members for Hyde County appeared took the Oaths by Law appointed for his Qualification subscribed the Test and took his seat in the House.

Mr. James Blount produced an Order of Tyrrell County Court wherein John Browning desires to be exempt from working on the Kings High Roads.

Ordered by this House that the said John Browning be exempt accordingly.

Mr. Julius Cæsar Park moved for leave to bring in a Bill for an Act to appoint a Committee to enquire into the state of the Accounts of the late Thomas Hunter, Treasurer & Sheriff of Pasquotank County as far as relates to moneys by him received as Treasurer & Sheriff of the said County.

Ordered he have leave & that he prepare & bring in the same.

Mr. Ormond moved for leave to bring in a Bill for an Act to fix the seat of Government in this Province.

Ordered he have leave, and that Mr. James Macklewean, Mr. Wyriot Ormond and Mr. Stevens Lee do prepare the same.

The House adjourned till 3 o'clock.

P. M. The House met according to Adjournment.

Mr. Wyriot Ormond from the Committee appointed to prepare a Bill for an Act to fix the seat of Government and for keeping Publick offices

for appointing Circuit Courts and defraying the Expences thereof and also for Establishing the Courts of Justice and regulating as well the proceedings as the Attorneys and practisers of the Law therein, Which he read in his place.

Ordered the said Bill be sent to the Council.

Sent the said Bill to the Council by Mr. Peter Payne & Mr. Thomas Lovick.

The House adjourned till Monday morning 10 o'clock.

Monday the 23rd of June 1746. The House met according to Adjournment.

Mr. Benjamin Hill moved for leave to bring in a Bill for an Act to appoint an Overseer to build a Bridge over Pollacasy near James Denton's in Bertie County to keep the same and the roads thereto leading in repair and to order what Persons shall work thereon, Which he read in his place.

Ordered the same pass and be sent to the Council.

Sent the same to the Council by Mr. James Macklewean and Mr. John Haywood.

Received from the Council the Bill for an Act to fix the seat of Government etc. Endorsed June the 26th In the Upper House read the first time and passed. By Order

Received from the Council the following Bills, Vizt

The Bill for Erecting the Upper Part of Craven County into a County & Parish, etc. Endorsed, in the Upper House read the first time & passed June 23rd 1746. By Order.

Read the Bill for an Act for Erecting the Upper part of Craven County into a County and Parish the second time & passed with amendments.

Sent the same to the Council by Mr. James Macklewean and Mr. John Haywood.

Received from the Council the Bill for the better regulating the Militia of this Government. Endorsed, In the Upper House read the second time and passed with Amendments. By Order.

Read the second time the Bill to divide Edgcomb County and passed with Amendments.

Sent the same to the Council by Mr. James Macklewean and Mr. John Haywood.

Mr. John Smith produced to this House a Certificate from Hyde County Court thereby certifying that John Spring ought to be exempt from paying Publick Taxes & doing Publick Dutys.

Ordered to be exempt accordingly.

The House adjourned till to-morrow 8 o'clock.

Tuesday the 24th of June 1746. The House met according to Adjournment.

Mr. Julius Cæsar Park brought in a Bill for an Act to Appoint Commissioners to enquire into the state of the Accounts of the late Thomas Hunter late Treasurer & Sheriff of Pasquotank County as farr as relates to moneys by him received as Treasurer and Sheriff of the said County. Which he read in his place.

Ordered the same pass and be sent to the Council.

Received the following Bills from the Council. Viz[t]

The Bill to appoint an Overseer to build a bridge over Pottacasy Endorsed June 24th 1746. In the Upper House read the first time & passed. And the Bill for erecting the Upper part of Craven County into a County and Parish etc. And also the Bill to divide Edgcomb County. Endorsed June 24th 1746. In the Upper House read the second time & passed.

The House adjourned till 3 o'clock.

P. M. The House met according to Adjournment.

Read the second time the Bill to fix the seat of Government etc, which passed with Amendments.

Ordered the same be sent to the Council.

Sent the above Bill to the Council [by] Mr. James M[c]Dowell and Mr. Luke Sumner.

Sent the Bill to appoint Commissioners to inquire into the state of the Accounts of the late Thomas Hunter late Treasurer & Sheriff of Pasquotank County etc to the Council. By Mr. Julius Cæsar Park & Mr. Wyriot Ormond.

Read the Petition of the Inhabitants, Freeholders of Pequimons County. Praying an Act may pass for laying out One Hundred Acres of Land including Phelps Point for a Town and Town Common.

Mr. M[c]Scarbrough moved for leave to bring in a Bill for an Act pursuant to the prayer of the said petition.

Ordered he have leave and that he prepare & bring in the same.

Mr. M[c]Scarbrough brought in a Bill for an Act for laying off One Hundred Acres of Land in Pequimons County including Phelps Point for a Town and Town Common. Which he read in his place.

Ordered the same pass and be sent to the Council.

Sent the same to the Council by Mr. M[c]Scarbrough and Mr. John Harvey.

Read the Bill for dividing Edgcomb County etc. the third time and passed.

Ordered the same be sent to the Council.

Read the Bill for Erecting the Upper part of Craven County into a County and Parish etc., the third time and passed with Amendments.

Ordered the same be sent to the Council.

Sent the above two Bills to the Council by Mr. McScarbrough and Mr. John Harvey.

Read the second time the Bill for an Act to appoint an Overseer to build a Bridge over Pollacasy etc.

Ordered the same pass and be sent to the Council.

Sent the above Bill to the Council by Mr. Benjamin Hill and Mr. John Wynn's.

The House adjourned till to-morrow 8 o'clock.

Wednesday 25th June 1746. The House met according to Adjournment.

Read the Militia Law a third time & passed with Amendts.

Ordered, the same be sent to the Council.

Sent the above Bill to the Council by Mr. Thomas Lovick and Mr. Benjamin Peyton.

Mr. John Haywood moved that Mr. Arthur Mabson and Mr. Peter Payne be added to the Comittee on the Navigation Bill.

Ordered they be added accordingly.

The House adjourned till 5 o'clock.

P. M. The House met according to Adjournment.

Received from the Council the Bill to fix the seat of Governmt Endorsed 25th June 1746. In the Upper House read the second time & passed with Amendments.

The House adjourned for an Hour.

The House met according to Adjournment.

The House adjourned till to-morrow 8 o'clock.

Thursday the 26th June 1746. The House met according to Adjournment.

Mr. John Starkey moved that the Bill for fixing the seat of Government be read.

Ordered the same to be read. The same was read.

Then Mr. John Starkey moved that the House resolve into a Committee of the whole House to debate on the several Clauses and Articles in the same Bill contained.

Resolved the House resolve into a Committee of the whole House for the purposes above said.

The House resolved into a Committee of the whole House and chose Mr. Starkey Chairman.

Then proceeded to debate the several Clauses in the said Bill Clause by Clause After several Debates thereon and Amendments therein. Mr. Speaker resumed the Chair.

Mr. Chairman reported to this House the several Amendments the Committee had made in the said Bill which were read in the House and concurred to.

The House adjourned till 4 o'clock.

P. M. The House met according to Adjournment.

Received the following Message from the Council.

MR. SPEAKER AND GENT:

On reading the Bills for dividing Edgcomb and Craven Counties etc. this House thought fitt to alter the name of Essex County to Johnson County in both Bills. To which if you agree desire you'l send two of the Members of your House to see the alteration made. By Order.

June 26th 1746.

MR. SPEAKER AND GENT:

On reading the Militia Bill we find a Clause in it obliging the several Colonels to account with the General Assembly for all fines by them received we think this is a Military Law entirely and His Excellency the Governor is Captain General that he is the only person to whom the Colonels ought to be accountable and that the Clause should be altered according to which if you agree we desire you would send two of your members to see it done.

By Order of the Upper House.

June 26th 1746.

Read the Bill to fix the seat of Government the third time and passed with Amendments.

Sent the Bill for an Act to fix the seat of Government etc to the Council by Mr. John Starkey & Mr. Peter Payne.

Sent the following Message to the Council Vizt

GENT. OF HIS MAJESTYS HONble COUNCIL

On reading your Messages relating to the Amendments you propose in the Bills for dividing Edgcomb and Craven Countys etc, and the Militia Bill this House concurrs to the Amendments you propose and have

sent Mr. John Starkey and Mr. Peter Payne to see the same made accordingly.

By Order of the House SAMUEL SWANN Speaker.

June 26th 1746.

The House adjourned for half an hour.

The House met according to Adjournment.

Received from the Council the following Bills Viz^{t}

The Bill for erecting Craven County into a County & Parish etc And the Bill for dividing Edgcomb County. And the Militia Bill. Endorsed June 26th 1746. In the Upper House read the third time & passed.

Ordered the same be Engrossed.

By Order of the Upper House.

The House adjourned till to-morrow 9 o'clock.

Fryday 27th of June 1746. The House met according to Adjournment.

Mr. Wyriot Ormond moved that this House would appoint a Committee to see the Bills of Credit of this Province burnt pursuant to an Act of the General Assembly. And Mr. Wyriot Ormond, Mr. Thomas Pendleton, Mr. James Craven, Mr. Thomas Pearson and Mr. Caleb Wilson were accordingly appointed

Sent the following Message to the Council Viz^{t}

GENT. OF HIS MAJESTYS HON^{ble} COUNCIL.

This House has appointed Mr. Craven, Mr. Pendleton, Mr. Ormond and Mr. Wilson a Committee to joyn those of your House as you shall think fitt to see the Bills of Credit of this Province (now in the hands of the Committee for Publick Accounts) for sinking the Currency burnt.

Received from the Council the following Message Viz^{t}

MR. SPEAKER AND GENT.

On reading your Message regarding the burning the Bills of credit of this Province. This House have thought fitt to appoint the Hon^{ble} Edward Moseley Esq^{r} and William Forbes Esq^{r} Two of the Members of this House to joyn the Committee of yours for the purposes aforesaid

By Order of the Upper House.

June 27th 1746.

Mr. Joseph Anderson from the Committee of Publick Accounts as per Book.

The House adjourned till 3 o'clock.

P. M. The House met according to Adjournment.
Received from the Council the following Message. Viz^{t}

MR. SPEAKER AND GENT:

On reading and considering the Bill to fix the seat of Government etc, we find several Amendments made by your House, which we cannot agree to. Viz^{t}

First. That the Place for Establishing the General Court etc which we must insist to be New Bern instead of Bath and the other Places for the Circuit Courts agreable as by the Bill when sent down last.

Second^{ly}. The Power of the County Courts which your House have enlarged to £25 procl: money which we propose should be but Twenty Pounds procl: money.

Third^{ly}. The Clause relating to the Admission of Lawyers which we propose to be struck out.

To the rest of the Bill we readily agree.

If your House will agree to these Amendments we will Pass the Bill otherwise we must reject it.

By order of the Upper House.
June 27th 1746.

Sent the following Message to the Council.

GENT. OF HIS MAJESTYS HON^{ble} COUNCIL.

This House having considered your Message regarding the Bill to fix the seat of Government cannot agree to the Amendments in the said Bill which you propose.

Mr. James Craven from the Committee to see the Bills for sinking the Currency Burnt Reported that they had received as by the reports of the Committee of Accounts from the several Treasurers & Sheriffs of this Province as follows. Three thousand and five hundred forty two Pounds fifteen shillings and two pence from the said several Sheriffs, and six hundred eighty nine Pounds ten shillings and eight pence Loan Money from the Treasurers which they the said Committee had burnt agreable to the order of this House.

The House adjourned till to-morrow 8 o'clock.

Saturday 28th of June 1746. The House met according to Adjournment.

Mr. Thomas Lovick from the Committee of Claims reported as ℔ report to this House Delivered, and after several allowances by this

House to several Claimants the said report was agreed to, and ordered to be sent to the Council for their Concurrence.

Resolved by this House that His Excellency the Governor be addressed to direct the Attorney General to prosecute the several Sheriffs and all others having Publick money in their hands and have not accounted and paid the same into the Committee of Accounts.

His Excellency the Governor was pleased to send a Message to this House commanding their immediate Attendance.

The House in a full body waited on His Excellency the Governor in the Council Chamber when Mr. Speaker presented the following Bills to His Excellency. Viz^{t}

The Bill for the better regulating the Militia Governm^{t} The Bill for dividing Craven County etc. The Bill for dividing Edgcomb County etc. To which His Excellency was pleased to Assent.

Then His Excellency was pleased to Prorogue this Assembly to the third Tuesday in November next to be then held at Wilmington.

Mr. Speaker with the House returned and pronounced the Prorogation accordingly.

Test WILLIAM HERRITAGE C^{lk} General Assembly.

NORTH CAROLINA—ss.

At a General Assembly begun and held at Wilmington the eighteenth day of November in the year of our Lord one thousand seven hundred and forty six in the twentyeth year of his present Majesty's reign and continued by several Prorogations, until the twentieth instant being the third Session of Assembly.

In the Upper House Thursday the 20th

Present

The hon^{ble} { Eleazar Allen, Edw^{d} Moseley, Math: Rowan, Roger Moore, W^{m} Forbes } Esq^{rs} Members

Then his Excellency came to the House and demanded the immediate attendance of the Lower House in the Council Chamber Whereupon Mr. Speaker attended by the House waited upon him. Then his Excellency ordered them to return to their House and proceed to business and withdrew.

Then the House adjourned until 3 of the clock in the afternoon.

Post Meridien The House met according to Adjournment.

Present

The hon^{ble} { Eleazar Allen, Edw^{d} Moseley, Math: Rowan, Roger Moore, W^{m} Forbes } Esq^{rs} Members.

And adjourned until Saturday Ten of the clock.

Saturday the 22d The House met according to Adjournment.

Present

The hon^ble { Eleazar Allen, Edw^d Moseley, Math: Rowan, Roger Moore, W^m Forbes } Esq^rs Members.

Mr. Stewart and Mr. Marsden Brought up a Bill for an Act for ascertaining the number of Members to be chosen for the several Counties within this Province to sit in General Assembly and for establishing a more equal representation of all his Majesties Subjects in the House of Burgesses. In the Lower House read the first time and passed. In this House read and passed.

Then the House adjourned until Monday morning 10 of the clock.

Munday the 24th The House met according to Adjournment.

Present

Eleazar Allen, Edw^d Moseley, Math: Rowan, Roger Moore, W^m Forbes.

And adjourned until three of the clock in the afternoon.

Post Meridien The House met according to Adjournment.

Present

The hon^ble { Eleazar Allen, Edw^d Moseley, Math: Rowan, Roger Moore, W^m Forbes } Esq^rs Members.

Mr. Stringer and Mr. Swann brought up the Bill for an Act for establishing a more equal representation of all his Majesties Subjects in this Province in the House of Burgesses &c. In the Lower House read the second time and past with Amendments. In this House read and past.

Then the House adjourned until to morrow morning 10 of the clock.

Post Meridien The House met

Present

The hon^ble { Eleazar Allen, Edw^d Moseley, Math: Rowan, Roger Moore, W^m Forbes. } Esq^rs Members

And adjourned until to morrow morning 10 of the clock.

Tuesday the 25th The House met according to Adjournment

Present

The hon^ble { Eleazar Allen, Edw^d Moseley, Math: Rowan, Roger Moore, W^m Forbes } Esq^rs Members

And adjourned until 3 of the clock in the afternoon.

Post Meridien The House met according to adjournment.

Present

The hon^{ble}	Nathaniel Rice	Edw^{d} Moseley	Esq^{rs} Members
	Eleazer Allen	Roger Moore	
	Math: Rowan	W^{m} Forbes	

Mr. Marsden & Mr. Stringer Brought the Bill for an Act for establishing more equal Representation of all his Maj^{ties} Subjects in this Province in the House of Burgesses, &c. In the Lower House read the third time and past. In this House read the third time and past. And Ordered to be sent down and engrossed.

Also a Bill for an Act to fix the place for the seat of Government and for keeping Publick Offices, and for appointing Circuit Courts and for defraying the expences thereof and also for establishing the Courts of Justice and regulating the proceedings therein. In the Lower House read the first time and past. In this House read and past

Then the House adjourned until to morrow morning 9 of the clock.

Wednesday the 26th The House met according to Adjournment.

Present

The hon^{ble}	Nath: Rice	Edw^{d} Moseley	Esq^{rs} Members.
	Eleazar Allen	Roger Moore	
	Math: Rowan	W^{m} Forbes.	

Mr. Swann & Mr. Stringer Brought up the Bill for an Act for fixing the seat of Government &c. In the Lower House read the second time and past with Amendments.

Then the House adjourned until to morrow morning 8 of the clock.

Thursday the 27th The House met according to Adjournment.

Present

Nath: Rice	Edw^{d} Moseley
Eleazar Allen	Roger Moore
Math: Rowan	W^{m} Forbes

Then the House read the Bill for an Act for fixing the seat of Government the second time & past with Amendments.

Then the House adjourned until to morrow morning 9 of the clock.

Fryday the 28th The House met according to Adjournment.

Present

The hon^{ble}	Nath Rice	Edw^{d} Moseley	Esq^{rs} Members.
	Eleazar Allen	Roger Moore	
	Math: Rowan	W^{m} Forbes	

Mr. McLewain & Mr. Eaton Brought the Bill for an Act for fixing the seat of Government &c. togeather with the following Message—In the Lower House Read said Bill the third time and past with Amendments—

GENTm OF HIS MAJties HONble COUNCIL

We have herewith sent you the Bill for fixing the seat of Government &c. marked with a third reading in our House and have made no material Amendment except leaving out of said Bill the clause added by your House for preventing that part of it which relates to the Jurisdiction of the County Courts being in force untill the Laws of this Province shall be printed

To which we cannot consent we assure your Honours every Member of this House have the reviseing & printing of the Laws of this Province greatly at heart and have come into a resolve That a Bill for that purpose, shall be one of the first We shall take under our consideration and endeavour to get passed at our next meeting.

Then the House adjourned till Tuesday afternoon.

Tuesday the 4th December Post Meridien The House met according to Adjournment.

Present

The honble { Nath: Rice, Edwd Moseley; Eleazar Allen, Roger Moore; Math: Rowan, Wm Forbes } Esqrs Members.

Mr. Marsden & Mr. Swann Brought up a Bill for an Act for reviseing and printing the Laws of this Province and for granting to his Majesty a duty on Rum for defraying the charge thereof. In the Lower House read the first time and past. In this House read and past.

Then the House adjourned untill to morrow morning 9 of the clock.

Wednesday the 5th The House met according to Adjournment.

Present

The honble { Nath: Rice, Edwd Moseley; Eleazar Allen, Roger Moore; Math: Rowan, Wm Forbes } Esqrs Members.

Read the Bill for an Act for fixing the seat of Government &c. in this House the third time which passed upon the Amendment of the Lower House and Ordered to be sent down and engrossed.

Then the House adjourned untill to morrow morning 9 of the clock.

Thursday the 6th The House met according to Adjournment.

Present

The hon^ble { Nath: Rice, Edw^d Moseley; Eleazar Allen, Roger Moore; Math: Rowan, W^m Forbes } Esq^rs Members.

And adjourned untill three of the clock in the afternoon.

Post Meridien The House met according to Adjournment.

Present

The hon^ble { Nath: Rice, Edw^d Moseley; Eleazar Allen, Roger Moore; Math: Rowan, W^m Forbes } Esq^rs Members.

Then his Excellency came to the House and commanded the immediate attendance of the Lower House

Whereupon the Speaker attended by the Lower House waited upon his Excellency in the Council Chamber When he was pleased to give his assent to the following Bills. viz^t. The Bill for an Act for establishing a more equal representation of all his Majestie's Subjects in this Province in the House of Burgesses &c. The Bill for an Act for fixing the Place for the seat of Government &c.

Then his Excellency was pleased to prorogue this Assembly untill the second Tuesday in February next then to be held at Newbern.

North Carolina—ss.

At an Assembly begun and held at New Bern the twelfth day of June in the twentieth year of the reign of our Sovereign Lord George the Second by the grace of God of Great Britain France and Ireland King (and so forth) And in the year of our Lord one thousand seven hundred and forty six, and from thence continued by Prorogation to Tuesday the eighteenth day of November in the year aforesaid to be then held at Wilmington And then further prorogued to the twentieth day of the said Month to be then held at Wilmington aforesaid And then further prorogued to the twenty first day of the said Month to be then held at Wilmington aforesaid being the second session of this present Assembly.

The Assembly met according to Prorogation.

John Harlow former Messenger to this House not appearing Alexander M Coy is appointed in his room

The Writ for electing Representatives to serve in this present General Assembly for the County of Johnston being returned. Pursuant to which Mr. John West and Mr. John Smith appeared took the Oaths appointed by Law for their qualification Subscribed the Test and took their seats in the House.

The Writ for electing Representatives to serve in this present general Assembly for Granvill County was returned. Pursuant to which Mr. William Eaton and Mr. Edward Jones appeared took the oaths by Law appointed for their qualification subscribed the Test and took their seats in the House.

Pursuant to the return of the Writ for electing a Member to serve in this present General Assembly for the County of New Hanover in the room of Mr. Samuel Swann who declined serving for the said County, Mr. Rufus Marsden appeared as also Mr. John Swann who was elected as a Member in this present General Assembly for the County of New Hanover aforesaid Appeared and took the oaths by Law appointed for their qualification Subscribed the Test and took their seats in the House.

Mr. Joseph Clark one of the Representatives returned for the County of Bladen Appeared took the oaths by Law appointed for his qualification Subscribed the Test and took his seat in the House.

His Excellency the Governor sent a Message to this House commanding their immediate attendance in the Council Chamber.

The House in a full body waited on his Excellency the Governour in the Council Chamber when his Excellency was pleased to direct this House to proceed to Business.

The House returned.

Mr. John Swann moved (that) as Mr. Thomas Clark Member for Wilmington in New Hanover County is dead His Excellency the Governour may be addressed to order the Clerk of the Crown to issue a writ for electing a Member to serve for the said Town at this present General Assembly.

Ordered That His Excellency be addressed accordingly

Sent the following Message to his Excellency the Governor viz^{t}

MAY IT PLEASE YOUR EXCELLENCY,

Mr. Thomas Clark late Member of this House for Wilmington is dead, this House therefore prays your Excellency to direct the Clerk of the Crown to issue a writ for electing a Member for the said Town in the room of the said Mr. Thomas Clark deceased.

By Order. SAMUEL SWANN Speaker.

21st November 1746.

Mr. Francis Stringer moved that a Committee be appointed to prepare and bring in a Bill for the more equal Representation of the Inhabitants of the several Counties in this Province in General Assembly.

Mr. Rufus Marsden, Mr. Thomas Pearson, and Mr. William Eaton were accordingly appointed.

Mr. Francis Stringer moved that a Committee be appointed to prepare and bring in a Bill for an Act to fix a place for the seat of Government and for keeping Publick Offices for appointing Circuit Courts and defraying the expence thereof and also for establishing the Courts of Justice and regulating the procedings therein.

Ordered That Mr. John Swann, Mr. Francis Stringer and Mr. John Haywood do prepare and bring in the same.

The House adjourned till to morrow 8 o'clock.

Saturday the 22^{d} Nov^{r} 1746. The House met according to Adjournment.

Mr. Rufus Marsden brought in a Bill for the better ascertaining the number of Members to be chosen for the several Counties within this Province to sit in General Assembly and for establishing a more equal Representation of all his Majesty's subjects in the House of Burgesses. Which he read in his place.

Ordered The same pass and be sent to the Council.

Sent the above Bill to the Council by Mr. Stringer & Mr. Marsden.

The House adjourned till Monday 8 o'clock.

Monday the 24th of Nov^{r} 1746. The House met according to Adjournment.

Received from the Council the Bill for ascertaining the Number of Members to be chosen for the several Counties within this Province to sit in General Assembly &c. Endorsed. In the Upper House read the first time and passed 22^{d} Nov^{r} 1746. By Order &c.

Read the above Bill the second time & passed.

Ordered. The same be sent to the Council.

Sent the above Bill to the Council by Mr. Stringer & Mr. John Swann

Received the above Bill from the Council Endorsed. Monday the 24th 1746. In the Upper House read the second time and passed.

The House adjourned till to morrow 8 o'clock.

Tuesday the 25th Nov^{r} 1746. The House met according to Adjournment.

Mr. John Swann from the Committee appointed to prepare and bring in a Bill to fix a place for the seat of Government &c. brought in the said Bill Which he read in his place.

Ordered the same pass and be sent to the Council.

Sent the above bill to the Council by Mr. Marsden & Mr. Stringer.

The Writ for electing a Burgess for the Town of Wilmington being return'd

Pursuant thereto Mr. Caleb Granger appeared took the oaths by Law appointed for his qualification subscribed the Test and took his seat in the House.

Read the third time the Bill for ascertaining the Number of Members to be chosen for the several Counties &c. which passed.

Ordered the same to be sent to the Council

Sent the same to the Council by Mr. Marsden & Mr. Stringer.

The House adjourned till to morrow 8 o'clock.

Wednesday the 26th of Novr 1746. The House met according to Adjournment.

Received from the Council the following Bills vizt

The Bill to fix the seat of Government &c. Endorsed In the Upper House read the first time and passed.

And the Bill for ascertaining the number of Members to be chosen for the several Counties within this Province to sit in General Assembly &c. Endorsed Novr 25th 1746. In the Upper House Read the third time & passed.

Ordered to be engrossed.

Read the Bill for an Act to fix the seat of Government &c. The second time and passed with amendments.

Ordered the same be sent to the Council.

Sent the above Bill to the Council by Mr. Swann & Mr. Stringer.

The House adjourned till 3 o'clock.

Afternoon. The House met according to Adjournment.

The House adjourned till to morrow 8 o'clock.

Thursday the 27th of Novr 1746. The House met according to Adjournment.

Received from the Council the Bill to fix the seat of Government &c. Endorsed In the Upper House Read the second time and passed with amendments 27th Nov: 1746.

The House adjourned till to morrow 8 o'clock.

Fryday the 28th of Novr 1746. The House met according to Adjournment.

Read the Bill to fix the seat of Government &c. the third time and passed with amendments.

Resolved That this House at their next meeting bring in a Bill for reviseing and printing the Laws of this Province.

Ordered That the above Bill be sent to the Council with the following Message vizt

GENT^{n} OF HIS MAJESTY'S HON^{ble} COUNCIL

We herewith send you the Bill for fixing the seat of Government &c. marked with a third reading in our House and have made no material amendments except leaving out of the said Bill the clause added by your House for preventing that part of it that relates to the Jurisdiction of the County Courts being in force till the Laws of this Province shall be printed to which we cannot consent and we do assure your Honours every member of this House have the reviseing and Printing the Laws of this Province greatly at heart and have come into a resolve that a Bill for that purpose shall be one of the first we shall take under our consideration and endeavor to get passed at our next meeting.

Sent the above Bill and Message to the Council by Mr. Macklewean and Mr. Eaton.

The House adjourned till 3 o'clock.

Afternoon. The House met according to Adjournment.

His Excellency the Governor sent a Message to this House commanding their immediate attendance in the Council Chamber.

The House in a full body waited on his Excell^{cy} the Governour in the Council Chamber and presented to his Excellency the Bill for ascertaining the number of Members to be chosen for the several Counties within this Province. To which his Excellency was pleased to assent.

Then Mr. Speaker with the House returned.

Mr. James Macklewean moved that a Committee be appointed to prepare and bring in a Bill for reviseing & printing the Laws of this Province. And the following persons were accordingly appointed viz^{t} Mr. John Swann, Mr. Francis Stringer, Mr. Rufus Marsden, Mr. Joseph Clark and Mr. James Macklewean.

The House adjourned till to morrow 8 o'clock.

Saturday the 29th of Nov^{r} 1746. The House met according to Adjournment.

The House adjourned till Monday 8 o'clock.

Monday the 1st of December 1746. The House met according to Adjournment.

The House adjourned till to morrow 8 o'clock.

Tuesday the 2^{d} of Dec^{r} 1746. The House met according to Adjournment.

Mr. Macklewean from the Committee appointed to prepare and bring in a Bill for reviseing and Printing the Laws of this Province &c.

Reported That the Committee had prepared the same which he read in his place.

Ordered the same pass and be sent to the Council.

Sent the above Bill to the Council by Mr. Marsden and Mr. Swann.

The House adjourned till 3 o'clock.

Afternoon The House met according to Adjournment.

Received from the Council the Bill for reviseing and printing the Laws of this Province &c. 2d Decr 1746. Endorsed In the Upper House read the first time and passed.

The House adjourned till to morrow 8 o'clock.

Wednesday the 3d of Decr 1746. The House met according to Adjournment.

The House adjourned till 3 o'clock.

Afternoon The House met according to Adjournment

The House adjourned till to morrow 8 o'clock.

Thursday the 4th of Decr 1746. The House met according to Adjournment.

The House adjourned till to morrow 9 o'clock.

Fryday the 5th of Decr 1746. The House met according to Adjournment

His Excellency the Governour sent a Message to this House commanding their immediate attendance to the Council with what Bill or Bills were engrossed.

Mr. Speaker with the House waited on his Excellency the Governour in the Council Chamber and presented the following Bill vizt The Bill for an Act to fix a place for the seat of Government and for keeping publick Offices for appointing Circuit Courts and defraying the expence thereof and also for establishing the Courts of Justice and regulating the Proceedings therein which being read his Excellency was pleased to assent thereto.

Then his Excellency [was] pleased to prorogue this Assembly to the second Tuesday in January next to be then held at Wilmington.

Mr. Speaker with the House returned and pronounced the Prorogation accordingly.

True Copy

Test. Wm HERRITAGE Clk. of the General Assembly.

1747.

[B. P. R. O. North Carolina. B. T. Vol. 11. B. 72.]

Edenton. Janʳʸ 20th 174$\frac{6}{7}$.

My Lords, [of the Board of Trade]

Your Lordships letter of the 19th July 1744 came to my hands but a few days ago, I am very much concerned to find by your continued reproofs that so many Paquets addressed to your Board from this Province have miscarried, for I do assure your Lordships I have been very diligent in my dispatches since the year 1741, both before the date of your letter and since, the want of a fixed place for Publick meetings, and the poverty of the Officers who have been so long without any regular payment of their salaries, and consequently can't stay long from their plantations, is the true reason why public papers are sometimes sent home without any letter from me, it has been impossible to prevent it hitherto, but I hope we shall be more regular for the future; for in a late Assembly held at Wilmington I have got a law passed for fixing the seat of Government at Newbern, and a tax laid for Public Buildings; There was only one other law past then, vizᵗ An Act for ascertaining the number of representatives for each County, the inequality of which has been one great source of the Disorders of this Colony, I shall send a copy of them soon As I am under an absolute necessity of coming home next autumn, I hope I shall be able to justify my conduct to your Lordships, and give you a satisfactory account of all the affairs of this Province.

The members of Council remain the same as I wrote last August, as James Murray Esqʳᵉ, who went home three years ago without leave, is not like to return, I take the liberty to recommend James Hassel Esqʳᵉ to fill up his seat in Council.

I am, My Lords, your most, &c.,

GAB: JOHNSTON

[B. P. R. O. North Carolina. B T. Vol. 11. B. 71.]

To the Right Honoᵇˡᵉ the Lords Commissioners for Trade & Plantations

The Memorial of the undersigned Merchants of London, in behalf of themselves, and of many others, trading to, and having large debts due in his Majesty's Provinces of North Carolina and Virginia, Sheweth,

That your Memorialists, and other British Merchants, have in the course of their dealings, given very large credit to Planters resident in

those Colonys who frequently (as the said Colonys lye contiguous to each other) purchaze Lands and propertys in each of the said Provinces; And by your Memorialists mony, and by the credit which they have given, many good Plantations have been cleared, stockt and improved to the particular benefit of the Planters to the advantage of this kingdom and the [inhabitants] thereof, and to the great increase of the Publick revenues.

That your memorialists are exceedingly alarmed, and surprised, at there being lately brought to light, and sett up, an Act of Assembly, as passed under the Proprietors of North Carolina in the latter end of the year 1715. or beginning of 1716. entituled

An Act concerning Attorneys from foreign parts and for giving Priority to Country debts whereby (besides other unreasonable clauses it is most expressly pretended to be enacted that, No foreign debts, of any kind whatsoever, (not even to the Crown) shall have any execution, for the recovery thereof, until all debts to the inhabitants of that Colony, which were sued for, at the time the British Creditor sued, shall be payd; Nor yet, until after some indefinite time, to be appointed by the Courts there (which is to be, at least, six months) shall be given, for all pretended Country Debt, to come in and claim; The reality of which Country Debts, the British Creditor has no possibility of knowing.

That the said pretended Act is most unjust, and illegal, and what no Assembly in the Plantations had any power to enact, and is an open bare-faced fraud, upon the British Merchants, subjects of the Mother Country; Whom it presumes to put, upon an infinitely worse foot, than any sovereign Prince, or State, in Europe, ever put the British Subjects upon. And is so far from being (as is pretended) necessary, or of use and benefit, to the Inhabitants of North Carolina, that no British Merchant can be so imprudent as to give a shilling credit to a Colony under such unjust Terms; The many mischiefs arising from whence, must be very obvious to your Lordships discernment.

Your Memorialists therefore humbly pray of your Lordships in behalf of themselves & all His Majesty's Subjects, to take the most early opportunity to represent the said pretended Act to His Majesty, as very proper for his royal declaration of the same to be null & void—And your Memorialists shall ever pray &c.

JOHN MAYNARD	W^{m} HAMILTON
GEO. BUCHANAN	JON^{a} HORWARD
W. BOWDEN	JON^{a} LYDENHAM
EDW^{d} HUNT	EDW^{d} ATHAWES
JAMES BUCHANAN	HUMPHREY BELL
ROBERT CARY	J. HANBURY
	JOS. ADAMS.

(Endorsed)
North Carolina. Virginia
Memorial of the British Merchants against a North Carolina Act for giving preference to Country debts, Passed in 1715 or 1716, by the late Lords Proprietors of that Province.
Rec^{d} Jan^{ry} 29th 174$\frac{6}{7}$

[B. P. R. O. North Carolina. B. T. Vol. 21. p. 301.]

Sir, [Gov. Gabriel Johnston]

Since our last to you of the 27th June 1745 We have received two letters from you dated June 6th 1746 & Jan^{ry} 20th 174$\frac{6}{7}$.

In the first of these in answer to our complaint of your neglect in not writing to us nor transmitting any public papers you tell us you rather expected a reproof for troubling us too much as you had nothing to inform us but the miseries and hardships of the Province.

These certainly are as necessary to be communicated to us as any other matters that concern the Province and as you tell us you are preparing a state of the Province We desire it may be transmitted to us as soon as you can conveniently as it will be impossible for us without such information to judge what is proper for us to advise His Majesty to do.

As you have represented to us the inconveniences that attend the repeal of the quit rent law We would recommend to you to try to get another passed which may not be liable to the same objection in order to which you must take proper methods to oblige His Majesty's Council to attend their duty better than as it appears by your letter they do, otherwise it will be impossible for the affairs of the Province to be regulated as they ought to be.

Not one of the many pacquets which you mention in your other letter as sent by you has come to our hands which we cannot but think something extraordinary as we suppose there were at least Duplicates of them transmitted.

We hope the change of the seat of Government will be attended with the advantages you propose from it.

We must here renew our instance to you that you do from time to time inform us of your proceedings and transmit all such public papers as your instructions require of you—So we bid you heartily farewell and are Your very loving friends, &c.,

DUPLIN.	MONSON.
FRAN. FANE.	R. PLUMER.
J PITT.	B. LEVESON-GOWER.

Whitehall May 26th 1747.

[B. P. R. O. North Carolina. B. T. Vol. 21. p. 303.]

To the King's most Excellent Majesty

May it please Your Majesty

A Memorial having been presented unto us by several British Merchants in behalf of themselves and of many others trading to and having large debts due in Your Majesty's Province of North Carolina & Virginia setting forth the injustice & illegality of an Act of Assembly lately brought to light and set up as passed under the late Proprietors of North Carolina in the latter end of the year 1715 or beginning of 1716 entituled an Act concerning Attorneys from Foreign parts and for giving priority to Country debts whereby besides other unreasonable clauses it is most expressly pretended to be enacted that no Foreign debt of any kind whatsoever (not even to the Crown) shall have any execution for the recovery thereof until all debts to the inhabitants of that Colony which were sued for at the time the British Creditor sued shall be paid nor yet until after some indefinite time which is to be at least six months to be appointed by the Courts there shall be given for all pretended Country debts to come in and claim the reality of which Country debts the British Creditor has no possibility of knowing And therefore praying that We would represent the said Act to your Majesty as very proper for Your Majesty's Declaration of the same to be null and void

And the said Act appearing to us to have been continued in use and submitted to in the said Province from the time of the passing thereof We referred the same to Your Maj. Attorney & Solicitor General for their opinion with respect to the validity of the said Act and whether the same was or was not repealed by Your Majesty who have reported to us "That such part of it as postpones the execution on judgments for For-"eign debts in the manner therein provided is contrary to reason incon-"sistent with the laws & greatly prejudicial to the inhabitants and there-"fore not warranted by the Charter and consequently and were of opinion "Your Majesty might declare the same to be so and your Royal disallow-"ance thereof" Whereupon We humbly take leave to lay the said Act before Your Majesty for your Royal disapprobation thereof. Which is most humbly submitted.

MONSON DUPPLIN
R. PLUMER J. GRENVILLE

Whitehall June 16th 1747.

[B. P. R. O. North Carolina B. T. Vol. 11. B. 77.]

At the Court at Kensington the 7th of August 1747.

Present the Kings most Excellent Majesty in Council.

Whereas an Act was passed in the Province of North Carolina during the time the said Province was under the Government of the late Lords Proprietors, Entituled "An Act concerning Attorneys from Foreign Parts and for giving Priority to County Debts" which Act, together with a Representation from the Lords Commissioners for Trade and Plantations proposing the Repeal thereof having been referred to the Consideration of a Committee of the Lords of His Majestys most Honourable Privy Council for Plantation Affairs. The said Lords of Committee did this day Report their Opinion to His Majesty that the said Act ought to be Repealed His Majesty in Council taking the same into Consideration, was graciously pleased to Declare his Disallowance of the said Act And pursuant to His Majesty's Pleasure thereupon expressed, the said Act is hereby Repealed, Declared Void, and of none Effect whereof the Governor or Commander in Chief of His Majestys Province of North Carolina for the time being and all others whom it may concern are to take Notice and Govern themselves accordingly

A true Copy W. SHARPE.

[B. P. R. O. B. T. Journals. Vol. 55. p. 12.]

BOARD OF TRADE JOURNALS.

Tuesday February 3rd $174\frac{6}{7}$

Present Lord Monson Mr Plumer. Mr Pitt.

Mr Paris attending laid before the Board a paper entituled Memorial of the British Merchants against an Act of North Carolina for giving preference to Country debts passed in 1715 & 1716 by the late Lords Proprietors of that Province and praying that the Board would lay the said Act before his Majesty for his disapprobation thereof whereupon the Board had some discourse with him on the subject of the said Memorial & agreed to take the same into consideration at another opportunity and Mr Paris in the mean time was directed to make enquiry and inform the Board whether since passing the said Act the same has been continued in use to the prejudice of the British Merchants or others.

[Page 59.]

Tuesday March 24th 1746/7

Mr Paris acquainted the Board that pursuant to their directions he had enquired whether the Act passed in North Carolina in the year 1745 had been continued in use in that Province from the time of passing thereof and was informed the same had been continued in use for that time whereupon the Board took into consideration the Memorial of the Merchants against the said Act entituled An Act concerning Attorneys from Foreign parts and for giving priority to Country debts mentioned in the Minutes of the 3rd of Febry last and ordered the Secretary to send a copy thereof to the Attorney and Solicitor General for their opinion concerning the validity of the said Act and whether the same is repealable by the Crown.

[Page 86.]

Tuesday May 19th 1747.

Read a letter from Mr Johnston, Govr of North Carolina to the Board dated at Edenton Janry 20th 1746/7 relating to the present state and condition of that Province.

[Page 87.]

Thursday May 21st 1747.

The draught of a letter to Gabriel Johnston Esqre in answer to two receivd from him was laid before the Board and ordered to be transcribed as was likewise the draught of a letter to Jas. Glen Governor of South Carolina and signed May 26th.

[Page 91.]

Thursday June 4th 1747.

Read the Report of His Maj. Attorney & Solicitor Genl dated June 3rd 1747 upon an Act passed in North Carolina in the year 1715 by the Proprietors of the said Province entituled An Act concerning Attorneys from Foreign parts and for giving priority to Country debts referred to them by the Secretary's letter dated 2d of April last

[Page 93.]

Tuesday June 16th 1747.

The draught of a Representation to His Maj. against an Act passed in North Carolina in the year 1715 mentioned in the preceding Minutes was laid before the Board agreed to, transcribed and signed.

[Page 95.]

Tuesday July 21st 1747.

Read a letter from Mr Johnston Govr of North Carolina to the Board dated March 9th 1746/7 transmitting an attested copy of an Act for the better ascertaining the number of Members to be chosen for the several Counties within this Province to sit in General Assembly and for estab-

lishing a more equal representation of His Maj. subjects in the House of Burgesses, and giving an account of the present state of the Assembly

Ordered that the above mentioned Act be sent to M^r^ Lamb for his opinion in point of law.

[Page 101.]

Wednesday July 29th 1747.

Read an Order of the Lords of the Committee of Council dated July 13th 1747, referring to this Board the humble petition of the Palatines in North Carolina to His Majesty complaining of Col. Thos. Polock for having dispossessed them of their lands in that Province granted them by her late Majesty Queen Anne and praying that his Majesty would be graciously pleased to restore them to the possession of their said Land at any term of rent under his Majesty as shall be thought meet and Morris Walker attending in behalf of the petitioners was called in and the Board after some discourse had with him came to a resolution to write to the Governor of North Carolina to get information from him of the state of the case and accordingly the draught of a letter was ordered to be prepared and copies of the said Order and Petition to be made in order to be transmitted therewith.

[Page 132.]

Tuesday October 27th 1747.

Read Report upon an Act passed in North Carolina in 1746 dated Sept. 25th 1747.

[Page 148.]

Wednesday November 25th 1747.

The following Order in Council was laid before the Board and the title thereof read viz: Copy of Order in Council dated 7th Aug. 1747 approving a Representation of this Board proposing the repeal of an Act passed by the late Lords Prop^rs^ of Carolina concerning attorneys from Foreign Parts and for giving priority to Country debts.

[From the MSS. Records of North Carolina Council Journals.]

COUNCIL JOURNALS.

North Carolina.

At a Council held at Newton 5th March 1746 [1747]

Present His Excellency the Governor

N. Rice R. Moore

M. Rowan and

E. Moseley W^m^ Forbes

Warrants—Mag^{r} Cowan 200 N. Hanover, Joseph Mason 200 Craven, Elias Ligardere 150 D^{o}, Jno Russell 200 D^{o}, Levi Frint 200 D^{o}, Josias Jones 100 Beaufort, Nathaniel Everet 200 Onslow, Jonathan Taylor 200 N. Hanover, Elias Ligardere 150 Craven, Maj^{r} Cowan 200 Johnston, John Windows 200 D^{o}, Geo Kernegee 100 Craven, D^{o} 50 N. Hanover, Sam^{l} Selby 600 Hyde, David Dunn 200 Craven, Jn^{o} Lingfield 200 D^{o}, Edw^{d} Wiggons 200 D^{o}, Moses Fagg 300 Craven, Thos Dudley 100 Onslow, Antho: Charles Craft 100 D^{o}, W^{m} Stevens 200 Johnston, Jas Perkins 200 Beaufort, Jno Willison 200 Carteret, W^{m} Sheppard 300 Craven, Gilbert Clark 150 Bladen, John Limpson 200 Carteret

	Whites.	Blacks.
Joshua Johnston	6	
Jas Alston	2	14

Grants—Berry Vellson 166 Craven, John Wellison 100 Carteret, William Kellet 400 Onslow, Richard Scott 200 N. Hanover, Jno Bryant & Jno Rice 640 Craven, Nich^{s} Purifoy 200 D^{o}, Henry Bradley 100 Bladen, Mary Edwards 263 Craven, Robert Beverley 320 N. Hanover, John Worsley 400 Beaufort, Valentine Wallace 100 Carteret, Thos M^{c}Clendon 180 Craven, W^{m} Stevens 400 D^{o}, Henry Smith 200 D^{o}, Mich^{l} Rem 200 D^{o}, Thos Matchett 100 D^{o}, John Swindall 900. Currituck, Benj^{a} Mason 125 Hyde, Jno Smith 500 Beaufort, W^{m} Webster 130 Hyde, Henry Elom 100 D^{o}, Abra Easter 100 D^{o}

Roger Moore Esq^{r} acquainting the Board that Sir Richard Everard Barr^{t} dec̄ed, sometime before his death made and passed a Deed of Sale to him for 1980 Acres of Land lying on both sides of Core Creek in Craven County the said Sir Richard having a Purchase plat for the same Dated the 17th day of Dec 1730. And that on the Arrival of Jus^{t} Burrington with His Majestys Commission for Governor of this Province on some Dispute about Blank patents Mr Smith then Cheif Justice produced Sir Rich^{d} Patent of this Land which appeared before the Board to be no Blank plat before the Governor and Council and that by some Neglect of Mr Smith the said Patent was either lost or mislaid praying that a patent may be granted him for the said Land at the Quit rent mentioned in said Patent which is Granted and Ordered that a patent issue in the Name of the said Roger Moore Esq for the said 1980 Acres of Land according to the Platt thereof now produced Surveyed by James Wininight the 23^{d} Sep 1730 at the highest Quitrents then reserved on Purchase patents Viz^{t}

At a Council held at Newbern 7th March 1746

Present His Excellency the Governor

N. Rice	C. Pollock
M. Rowan	R. Moore,
E. Moseley	W. Forbes

Warrants—John Hicks 100 Carteret, Seren Wallis 200 Craven, James Alston 300 Dº, Edwd Frank 640 Dº, James Marshall 200 Dº, Joseph Carruthers 100 Johnston, John Bell 200 N. Hanover, John Slocomb for a Resurvey. Granted

Grants—Edward Matchett 200 N. Hanover, Thos Graves 200 Dº, Thos Wyer 100 Bladen, Archd McNeal 8 Dº

At a Council held at New Bern 21st March 1747

Present His Excellency the Governor

The Honoble { Robert Halton, Eleazer Allen, Math Rowan } and { Edwd Moseley, Wm Forbes } Esqrs Members of His Majestys Council

Read the following petitions for Warrants Vizt

Mark Harefoot 200 Beaufort, John Hoard 300 Dº, Cason Brinson 200 Currituck, Wm Carruthers 300 Craven, Benjamin Blount 300 Johnson, Abraham Taylor 100 Dº Granted

Read the Petition of Isaac Simons setting forth that in right of his Wife he is possessed of a Tract by patent granted by the late Lords Proprietors to Williams Harefoot lying in Craven County on the North side of Neuse River and on the Wt side of lower Broad Creek, and conceiving there is more Land within the Courses and Distances of the said Patent than the same Specifies humbly prays a Resurvey Granted and Ordered that the Surveyor General do cause a resurvey to be made of the said Land and return the same to this Board.

Read the Petition of John Smith Shewing that he is Grantee of a Tract of Land lying in Hyde County on the South side of Matchapungo river and upper side of Slades Creek which was formerly Conveyed from Colº Carey deceased to Benjamin Dutlon Cleves Deceased by Deed as appears on Record in this Government. But the bounds of the said Tract being somewhat doubtfull and uncertain He humbly prayed a resurvey agreeable to the aforesaid Deceased. Granted and Ordered that the Surveyor General do cause a resurvey to be made accordingly and return the same to this Board

Read the Petition of Mary Perkins setting forth that she obtained his Excellencys Pat for 375 Acres of Land scituate in Beaufort County and being Apprehensive that thro means of the ignorance or unskillfullness

of the Deputy Surveyor She does not hold anigh the Quantity of Land Specified in the Patent aforesaid The Petitioner humbly prays a Resurvey thereon. Granted and Ordered that the Surveyor General cause the same to be resurveyed accordingly and make report thereof to this Board at their next Sitting

Then the Council Adjourned till the Afternoon 3 °Clock

The Council met pursuant to Adjournment Present as before.

Read the following petitions for Warrants for Land Viz^{t}

John Holleys for 300 in New Hanover, Matthew White 200 D°, Arthur Blackman 150 D°, Southey Rew 300 Craven, Rob^{t} Thompson 250 Beaufort, Joseph Gaad 300 D°, Jno Williams 200 Craven, Moses Arnold 50 D°, James Perdue 100 D°, James Adams 600 Beaufort, W^{m} Alligood 100 D°, Nathan Archibald 250 D°, Philip Shute 450 D° Granted

At a Council held at New Bern 23^{d} March, 1747

Present His Excellency the Governor

The Honoble { Rob^{t} Halton, Mat Rowan, Eleazer Allen, W^{m} Forbes } Esq^{rs} Members of His Majestys Council

Read the Petitions of the following Persons for Warrants for Land Viz^{t}

Coleman Roe 200 Beaufort, Simon Jones 400 D°, James Willis 200 Craven, Joseph Oates 100 N. Hanover, Edmund Bainecastle 300 Craven, W^{m} Taylor 200 New Hanover, Jonathan Taylor 200 New Hanover, Richard Caswell 200 Johnston, Ditto 200 D°, John Rouse 50 D°, Henry Oberry 640 Bladen, Abraham Colson 150 New Hanover, Edward Outlaw 200 D°, Joseph Taler 300 Johnston, Henry Oberry 350 Bladen, Owen Jones & Thomas Cummins 250 Onslow, Henry Goodman 100 New Hanover Granted

Read sundry Petitions for Patents for Land as follows Viz^{t}

Jno Simpson 500 Onslow, Rich^{d} Chesson 300 D°, Rice Price 150 Johnston, W^{m} Kennedy 400 Craven, Jonathan Taylor 200 New Hanover, Moses Tiler 150 D°, Daniel Shipman 300 Bladen, W^{m} Dunbar 300 Beaufort, James Mackilwean 300 Bladen Granted

Read the Petition of Wiriot Ormond setting forth that he obtained an Order from this Board for resurveying a Tract of Land lying in Beaufort County which he held by Patent dated the 16th of March 174$\frac{2}{3}$ which has been duly executed and returned whereby it appers that the Lines of the aforesaid Patents are intersected by those of prior Patents granted unto Anthony McKeel and Seth Pilkington and that of the Petitioner's patent aforesaid only 410 Acres was to be found without the said M^{c}Keels and Pilkingtons tracts He therefore humbly prays that a

Pattent might issue for the said 410 acres according to the return made into the Secretarys Office of the same date with the former Patent, that on his surrendering the same the record thereof might be amended agreeable to the aforesaid return which was granted and the old Patent brought into Council and Cancelled.

At a Council held at Newbern 24th March 1747

Present His Excellency the Governour

The Honoble { Robert Halton, Eleazer Allen, Math Rowan; Edwd Moseley and Wm Forbes } Esqrs Members of Council

Read the following Petitions for Warrants for Land Vizt

James Rhodes 200 Johnston, Jno Holmes 100 Onslow, James Staniland 100 Craven, Martin Futch 100 Do, Jno Tyson 350 Bladen, Lewis Trott 200 Onslow, Saml Middleton 100 Do, Wm Williams 360 Do, Ditto 360 Do, Saml Rawlins 200 Johnston, Moses Benton 100 Do, Jno Coupland 150 Bladen, Aaron Smith 200 Johnston, Wm Palmer 100 Do, Nicholas Porter 100 Do, James Taners 400 Bladen, Jacob McClendon 300 Do, Joel McClendon 300 Do, James China 300 Craven, Moses Tiler 400 New Hanover, Jno Page 300 Johnston, Thomas Coor 300 Do, Solomon Beasley 150 Craven, Saml Rawlins 200 Johnston, Major Croom 100 Do, Jno Smith 100 N. Hanover, James McRee 200 Do, Abraham Boyd 350 Johnston Granted

Read the Petition of Jacob Sheets setting forth that on the 25 day of Sepr 1735, He obtained the Kings patent for 640 Acres of Land Scituate in Craven precinct as then called on the North side of Trent river That by the Plat thereof annexed he does not thro' mistake of the Surveyor hold that Quantity by 197 Acres who altho he has run out the Land agreeable to the Warrant that is to say beginning at a Poplar and running down to a red Oak on Beaver Creek, has returned the Plat aforesaid thus—Beginning at a red Oak on the Creek side and Runs N° 40 Et 240 pole to a pine then N° 70 West 640 Pole to a pine then S° 40 West 240 Pole to a poplar standing on a small branch of said Creek then down the said Branch to the first Station which differs greatly from the Courses of the Petitioners Patent as appears by the resurvey thereof now before the Board. That he has paid the rents for the said 640 acres from the Date of the Patent and made Considerable Improvements thereon That one Patrick Stanley not being ignorant of the Premises obtained a Warrant for the aforementioned 197 Acres which is surveyed and returned into the Secretarys Office and for which he intends this Court to Apply for a Grant. The Petitioner humbly prays that no Grant may pass to the said Patrick Stanley for the said 197 Acres of Land till a hearing be had before this Honourable Board in the Premises

Whereupon the parties being present and the matter debated It is Ordered that the Surveyor shall continue the shortest end Line 120 pole further out and from thence to run a Line to the Second Station mentioned in Mr Sheets patent And that Patrick Stanley be admitted to compleat the Survey out of the back Lands

Read the following Petitions for Patents for Land Viz^{t}

Henry Goodman 200 New Hanover, Robert Mills 200 Bladen, Samuel Selby 500 Hyde, George Goulde Esq^{r} 1000 Bladen, D^{o} 1000 D^{o}, W^{m} Smith 260 Craven, W^{m} Whitford 400 D^{o}, Thos Nelson 200 Carteret, Jas Marshal 200 Craven. Granted

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[B. P. R. O. North Carolina. B. T. Vol. 28.]

LEGISLATIVE JOURNALS.

North Carolina—ss.

At an Assembly begun and held at New Bern the Twenty fifth of Feb^{ry} in the Twentieth year of the Reign of our Sovereign Lord George the Second by the Grace of God of Great Britain France and Ireland King Defender of the Faith & so forth and in the year of our Lord One Thousand Seven Hundred and Forty Six, [1747] being the first Session of this Present Assembly.

The writs for Electing members for several of the Countys & Towns in this Province to sit and Vote in this Present Assembly being duly returned. Pursuant to which appeared as follows.

Mr. Samuel Swann Speaker,	Mr. John Swann,	Mr. Edward Jones,
Mr. Francis Stringer,	Mr. John Sampson,	Mr. Thomas Lovick,
Mr. James Mackilwean,	Mr. Rufus Marsden,	Mr. Benj. Payton,
Mr. John Herring,	Mr. John Carruthers,	Mr. John Barrow,
Mr. John Haywood,	Mr. John Dawson,	Mr. W^{m} Bartram,
Mr. Joseph Howell,	Mr. Jas Washington,	Mr. Samuel Sinclare,
Mr. John Starkey,	Mr. William Eaton,	Mr. James Calef.

Who took the Oaths appointed by Law for their Qualification subscribed the Test and took their seats in the House.

Mr. William Borden one of the Members of Carteret County appeared and acquainted the Gentlemen of his Majesties Honourable Council that were appointed to Qualify the Members of the House that he would not take the Oaths appointed by Law for the Qualification of Public Officers being one of the People called Quakers and therefore desired his solemn

affirmation might be taken as in other cases which said Members of his Majestie's Council rejected.

His Excellency the Governour sent a message to this House commanding their immediate attendance in the Council Chamber.

The Members of this House waited on his Excellency the Governor in the Council Chamber when his Excellency was pleased to command them to return and make choice of a Speaker.

The House returned and unanimously made choice of Mr. Samuel Swann Speaker.

The House adjourned till 9 o'clock to morrow morning

Saturday the 28th of February 1746. [1747] The House met according to adjournment.

His Excellency the Governor sent a message to this House commanding their immediate attendance in the Council Chamber.

The House in a full Body waited on his Excellency the Governor in the Council Chamber and presented Samuel Swann Esqre for Speaker.

His Excellency the Governor was pleased to approve of their choice and command them to return and proceed to Business.

The House returned.

Benjamin Fordham is appointed serjant at arms to this House.

Mr. John Starkey moved that Mr. Speaker issue his Warrant to take and bring the several Members in Custody before this House who are returned by the Sheriffs of the several Counties underneath they neglecting to appear to qualifie themselves to sit and vote in this present General Assembly as Representatives for the said several Counties and Towns, viz: Mr. Stephens Lee and Mr. Maccay for Tyrell County; Mr. Michael Coutauch for Bath Town; Mr. Samuel Stillwell for Edenton.

Ordered that Mr. Speaker issue his warrant accordingly.

Mr. William Bartram and Mr. Joseph Clark are returned Representatives to serve in this present Assembly for the County of Bladen.

Several of the Members pursuant to the above Warrant appeared and Mr. Stephens Lee Member for Tyrell County moved that he thought the Writt for electing members for Tyrell and the other Countys were not duly executed and returned.

Ordered that a Message be sent to the Clerk of the crown to lay the writs for electing Members for the said several Counties before this House.

The House adjourned till 3 o'clock.

P. M. The House met according to adjournment.

James Derham is appointed door-keeper to this House in the room of who did not attend.

Mr. Benjamin Payton moved for leave to absent himself from the service of this House till Monday next.

Ordered he have leave accordingly.

Mr. John Starkey moved that his Excellency the Governor be addressed to direct the Clark of the Crown to issue a Writ for electing a person duly qualified to sit and vote in this present General Assembly for the County of Carteret in the room of Mr. William Borden who was returned a Representative duly elected for the said County But refused to take the Oaths appointed by Law for his Qualification.

Ordered. That his Excellency be addressed accordingly.

The House adjourned till Monday Morning 10 o'clock.

Monday the second March 1746. [1747] The House met according to adjournment.

His Excellency the Governor sent a Message to this House commanding their immediate attendance in the Council Chamber.

The House in a full Body waited on his Excellency the Governor in the Council Chamber, when his Excellency was pleased to mention the necessity there was for reviseing and printing the Laws of this Province.

The House returned.

The House adjourned till 3 o'clock.

P. M. The House met according to adjournment.

Mr. John Swann moved for leave to bring in a Bill for an act for reviseing and printing the Laws of this Province and for granting to his Majesty a duty on Rum, for defraying the charges thereof.

Ordered that he have leave and that he prepare and bring in the same

Mr. John Swann brought in a Bill for an act for reviseing and printing the Laws of this Province &c: Which he read in his place.

The House adjourned till To-morrow 8 °clock.

Tuesday the 3rd March 1746. [1747] The House met according to adjournment.

The Clerk of the Crown laid before this House the several Writts for electing Members, for the Counties of Bertie, Tyrell Chowan Pequimons and Pasquotanck pursuant to the order of this House of Saturday last.

The House having inspected the said several Writs and the returns of the same

Resolved that the Freeholders of the said Countys severally having contrary to Law voted by Balloting for five Members to represent them in the General Assembly when each Ballot ought to have contained the names but of two candidates the elections for the said Countys and each

of them are Null and Void and that his Excellency the Governor be addressed to direct the Clerk of the Crown to issue writts to elect Members for the said several Counties to represent the said freeholders in General Assembly.

The Writ for electing Members for Curretuck not being returned

Ordered the Sheriff of said County be sent for in Custody to shew cause why he did not return said writ.

Read the Bill for an act for reviseing and printing the Laws of this Province the first time and passed.

Ordered the same be sent to the Council.

Mr. Samuel Sinclare moved for leave to bring in a Bill for an additional Act to an act, intituled an act to fix a place for the seat of Government and for keeping Public Offices for appointing Circuit Courts and defraying the Expence thereof and also for establishing the Courts of Justice and regulating the proceeding therein.

Ordered that he have leave, and that he prepare and bring in the same

Mr. Samuel Sinclare brought in a Bill for an Additional Act to an Act, intituled an act to fix a place for the seat of Government and so forth. Which he read in his place.

Ordered the same pass and be sent to the Council.

Sent the above two Bills to the Council by Mr. Sinclare and Mr. John Swann.

Mr. James Calef moved for leave to absent himself from the service of this House till Fryday morning next.

Ordered he have leave to absent himself accordingly.

The House adjourned till 3 o'Clock.

P. M. The House met according to adjournment.

Received from the Council the Bill for an additional Act to an Act intituled an Act to fix a place for the seat of Government. Endorsed March 3rd 1746. [1747] In the Upper House read the first time and rejected.

And also the Bill for an act for reviseing and printing the Laws of this Province and so forth. Endorsed March 3rd 1746. [1747] In the Upper House read the first time and passed.

Mr. William Eaton moved for leave to bring in a Bill for an act intituled an act to repeal the clause in the act intituled an act for erecting the upper part of Craven County into a County and Parish and so forth.

Ordered that he have leave and that he prepare and bring in the same.

Mr. Eaton brought in the above Bill which he read in his place

Ordered the same lye for consideration

Mr. Sinclare moved that the Bill for an act for reviseing and printing the Laws of this Province and for granting to his Majesty a duty on Rum and for defraying the charges thereof be read.

Ordered the same be read.

Mr. John Swann objected and moved that the House resolve into a Committee of the whole House to debate the subject matters contained in the said Bill and unanimously chose Mr. John Starkey Chairman.

After some time spent and several Amendments made Mr. Speaker resumed the chair.

Mr. John Starkey reported that the Committee had read the Bill and made several Amendments therein which the House took time to consider.

The House adjourned till Tomorrow morning 9 o'clock.

Thursday the 5th of March 1746. [1747] The House met according to adjournment.

Ordered the Bill be read which was left yesterday for consideration.

Read the said Bill the second time and passed with Amendments

Ordered the same pass and be sent to the Council

Sent the above Bill to the Council by Mr. and Mr.

Mr. Herring moved the Bill for an act to repeal a clause in an act intituled an act for erecting the upper part of Craven County into a County and Parish and for appointing a place for building a Court House Prison and Stocks in the said County and the clause in an act intituled an act for dividing Edgcomb County and Parish and for erecting the upper part thereof into a County and Parish by the name of Granvile County and St Johns Parish and for appointing Vestrymen of the said Parishes which direct that all Public County and Parish Levys due from any of the Inhabitants of the said County of Granvile shall be collected by the Sheriff of Edgcomb County, and that all Public County and Parish Levys due from any of the Inhabitants of the said County of Johnston shall be collected by the Sheriff of Craven County so far as releates to the Tax or levy laid and made payable for the year One Thousand Seven Hundred and forty six be sent to the Council

Ordered the same be sent to the Council.

Sent the above Bill to the Council by Mr. Eaton & Mr. Murray.

The House adjourned till To morrow morning 9 o'clock.

Fryday the 6th of March 1746. [1747] The House met according to adjournment.

Received from the Council the Bill for an act to repeal the clause in an act intituled an act for erecting the upper part of Craven County into

a County and Parish and so forth. Endorsed March 5th 1746. [1747] In the Upper House read the first time and passed.

Mr. Eaton moved the above Bill be read. Read the second time and passed.

Ordered the same be sent to the Council.

Sent the same to the Council by Mr. Eaton and Mr. Herring.

Received from the Council the Bill for an Act for reviseing and printing the Laws of this Province &c. Endorsed March 5th 1746. [1747] In the Upper House read the second time and passed with Amendments.

Read the third time the Bill for an act for reviseing and printing the Laws of this Province &c: with amendments.

Ordered the same pass and be sent to the Council.

Sent the above Bill to the Council by Mr. John Swann and Mr. Mackilwean.

Read the Bill for an act to repeal the clause in an act Intituled an act for erecting the upper part of Craven County into a County and Parish &c:—the third time and passed.

Ordered the same be sent to the Council.

Sent the above Bill to the Council by Mr. Jno Swann and Mr. Mackilwean.

Sent the following address to his Excellency the Governor.

MAY IT PLEASE YOUR EXCELLENCY

The writs for electing Members for the Counties of Tyrell, Bertie, Chowan Pequimons and Pasquotank not being executed according to Law by which means the said several Counties are not represented in the General Assembly of this Province we therefore pray your Excellency to direct the Clerk of the Crown to issue writs for electing Members to represent the said several Counties in the next Session of Assembly

By Order of the House SAM[l] SWANN, Speaker.

The House adjourned till Three o'clock.

P. M. The House met according to adjournment.

Received the following message from the Council. viz[t]

MR. SPEAKER AND GENTLEMEN,

We have the Bill for reviseing and printing the Laws of this Province &c: before us for a third reading to which we conceive divers amendments ought to be made viz[t]

First that in laying the duty on Liquors exception ought to be made of such as came to Great Britain.

Secondly we are of opinion it will be best to let the duty commence on the twenty fifth of March least advantage should be taken by putting the time off till the first of May to introduce great quantities and thereby defeat the raising money as intended by the Bill.

Thirdly with regard to the lading or unlading vessells at Brunswick and Wilmington as much as divers vessells trading to Cape Fear neither lade or unlade at those Towns and it may happen that by appointing those two places there may be oppertunities of committing frauds, wherefore we offer that M^r^ Ross may be only appointed as reside-ing at Brunswick the Port of Entry.

Fourthly we are also of opinion that the sums given by this Bill to the Commissioners should be paid only to those Commissioners who shall act as such.

If your House shall agree to such amendments we desire that you will appoint a Committee of your House to see the same done.

By Order of the Upper House. RICH^d^ LOVETT Clerk.

Dated at the Committee Chamber New-Bern March 6^th^ 1746. [1747]

The House having maturely considered the above message Resolved the following message be sent to the Council. viz^t^

GENTLEMEN OF HIS MAJESTY'S HON^ble^ COUNCIL

We agree to the amendment you propose in your message of this day relating to the exception of the duty being paid on Liquors imported from Great Britain.

And also to the amendments you propose that the sums given in by this Bill to the Commissioners shall be paid only to those who shall act as such.

But we cannot agree to the amendments you propose that the Duty shall commence from the Twenty Fifth of March as we think the Law could not in that time be transmitted to the several Receivers appointed to receive the said Duty and thereby many Inconveniencys may arise.

Neither can this House agree to the amendment you propose that there should be but one officer who shall reside at Brunswick to receive the said Duty in the Port of Brunswick but to prevent any fraud that may be committed, propose that the Officer resideing at Brunswick shall receive the dutys on Wine, Rum &c: imported in Vessells lading or unlading below the forks of Cape Fear and the Officer residing at Wilmington shall receive the Duties on Wine, Rum &c: imported in such Vessells as shall lade or unlade above the Forks.

By order of the House SAMUEL SWANN Speaker.

Sent the above message by Mr. John Swann & Mr. Starkey.

Received from the Council the Bill for an act to repeal the clause in an act intituled an act for erecting the upper part of Craven County into a County and Parish &c: Endorsed. March 6th 1746. [1747] In the upper House read the third time and passed.

Ordered to be sent down and engrossed.

Received from the Council the following message. Vizt

Mr. Speaker and Gentlemen

We concurr with you as to the time appointed for the act to take place with regard to the duty for the reasons assigned by you but as it seems evident to us that by not obligeing the Entries to be made at Brunswick only (the proper Port of Entry) too much liberty will be given to committ Frauds by unlading between the two Towns—Therefore we adhere to our proposition of Entry to be made at Brunswick only to which we desire your concurrence, and that your House will send Members to see the amendments made or we cannot pass the Bill.

By order. RICHd LOVETT, Clerk.

March 6th 1746. [1747]

Received from the Council the Bill for an act for reviseing and printing the Laws of this Province &c: March 6th 1746. [1747] Endorsed in the Upper House read the third time and passed with amendments.

The House adjourned till Tomorrow 10 o'clock.

Saturday the 7th of March 1746. [1747] The House met according to adjournment.

His Excellency the Governor sent a message to this House commanding their immediate attendance in the Council Chamber with what Bills were engrossed.

Mr. Speaker with the whole house waited on his Excellency the Governor in the Council Chamber where Mr. Speaker presented to his Excellency the Governor for his assent the Bill for reviseing and printing the Laws of this Province & so forth and the Bill to repeal a clause in the act Intituled an act for erecting the upper part of Craven County into a County and Parish & so forth.

To which his Excellency was pleased to assent and then prorogued this Assembly to the last Tuesday of September next, then to meet at Newbern.

Mr. Speaker with the House returned and prorogued the Prorogation accordingly.

Test: WILLIAM HERRITAGE, Clerk General Assembly.

North Carolina—ss.

At an Assembly Begun & Held at New Bern the Twenty fifth day of February the Twentieth year of the Reign of our Sovereign Lord George the second by the Grace of God of Great Britain France & Ireland King (& so forth) And in the Year of our Lord One Thousand seven Hundred & forty six [1747] & then Continued by Prorogation to the Twenty ninth day of September in the Twenty first Year of the Reign of our said Lord the King & in the year of our Lord One Thousand Seven Hundred & forty Seven to be then Held at New Bern And then further Prorogued to the second day of October in the year Aforesaid to New Bern being the Second Sessions of this Present Assembly.

The Assembly met according to Prorogation.

Mr. Joseph Bell one of the Members of Carteret County and Mr. Clark One of the Members for Bladen County took the Oaths by Law Appointed for their Qualification Subscribed the Test & took their Seats in the House accordingly

Ordered that Mr. John Swann and Mr. Joseph Howell Acquaint His Excellency the Governor that the House is met who accordingly went

His Excellency the Governor by the above Gentlemen sent to this House Commanding their Immediate attendance in the Council Chamber

Mr. Speaker with the Members waited on His Excellency the Governor in the Council Chamber where His Excellency was pleased to make the following Speech which was Ordered to be read

Read the abovesaid speech (to wit) as follows

Gentlemen of His Majesties Council Mr. Speaker & Gentlemen of the House of Burgesses

It is with a Particular satisfaction that I Embrace this opportunity of meeting you in Assembly At a time when our trade is so distressed, Our Ships Plundered in our Harbours & our Coasts Insulted by a Cruel & Vigilent Enemy, It will be a mighty Pleasure to me to Regulate all my Proceedings by your Advice & with your Concurrence.

I don't at all Doubt but you are now met fully determined to use your Utmost Endeavours for the reliefe of your Country in its present unhappy Circumstances And you will Convince all Mankind that if we have had formerly so many fruitless Assemblys if so few good Laws have been passed (tho' they were earnestly pressed & called upon by me to do it) None of these misfortunes can be fairly Ascribed to you but were entirely oweing to that overgrown representation claimed by six Counties who being always United & under the direction of some sorry Pettifogger made themselves tools to their Leaders who found their

account in keeping publick affairs in Confusion and distraction & who because they cant now Domineer over the whole Legislature are Resolved as farr as lies in their Power there shall be no Legislature at all.

The Conduct [of] these Gentlemen is Certainly most Unaccountable as all the Points in dispute are now before his Majestie for his Royal determination if they had with Patience & decency waited for this Decession as became good & Loyal Subjects it could never been of the least Prejudice to their Cause & might Possibly been of some service to it

But instead of this to insult his Majesties Prerogative to treat his writts with contempt & to debauch his Officers to make improper Returns Contrary to their oaths and Disert the service of their Country in these times of Peril and danger Appear to me the Oddest methods that could be taken by men to Recommend themselves to his Majesties favour.

I hope Gentlemen you will proceed with unanimity & dispatch & you may Depend upon my hearty concurrence in every measure for the Publick benefit GAB JOHNSTON

Mr. John Swann & Mr. John Starkey are Appointed a Committee to draw an Address to his Excellencys speech

The House adjourned till 3 °clock.

P. M. The House met according to adjournment

Read the Petition of William Sims setting forth his infirmity & praying to be Exempt from Publick service & paying Taxes & Produceing a Certificate from the County Court of Edgecomb of his incapacity of Publick Service and paying taxes.

Ordered to be Exempt Accordingly

The House adjourned till tomorrow 9 °Clock.

Saturday the third of October 1747. The House met according to adjournment.

Mr. John Swann moved that a Committee be Appointed to Examine State and settle the Publick accounts of this Province And the following persons were accordingly appointed (Vizt)

Mr. John Swann Mr. Francis Stringer Mr. Rufus Marsden & Mr. John Carruthers to Joyn those of the Council.

Mr. Hayward moved that a Committee be appointed to settle & allow the Publick Claims of this Province And the following persons were accordingly appointed. Vizt

Mr. Thomas Lovick Mr. Benjamin Payton Mr. John Heywood Mr. John Dawson & Mr. John Sampson To Join those of the Council

Mr. John Swann moved that A Bill be brought in for an Act for granting to his Majestie the sum of Proclamation money for & toward building fortifications in this Province and so forth.

Ordered that a committee be appointed to bring in a Bill for the Purposes aforesaid and Mr. John Swann Mr. Starkey and Mr. Thomas Lovick were accordingly appointed.

The House adjourned till Monday morning 10 °Clock

Monday the fifth of October 1747. The House met according to adjournment.

Mr. John Swann from the Committee to prepare an address to his Excellency the Governor in Answer to his Excellency's Speech Reported that the Committee had prepared an address. Which he read in his place

Ordered the same be Engrossed which was accordingly done & is as follows.

NORTH CAROLINA—ss.

To His Excellency Gabriel Johnston Esq^re^ Cap^t^ General Governor & Commander in Chief in & over the said Province.

The Humble Address of the General Assembly of the said Province

MAY IT PLEASE YOUR EXCELLENCY,

We return your Excellency our sincere thanks for your kind speech at the Opening of this Sessions and the Confidence your Excellency is pleased to Express you have of our being met fully Determined to use our best Endeavours for the reliefe of our Country in its present unhappy Circumstances which are rather more distressfull than your Excellency hath painted them

Many of us having served in former Assemblys for several years past have with Concern been witnesses (more than once) of that unequal Representation of those six Counties your Excellency is pleased to mention having been an Obstruction to Publick business & Particularly to many good Laws being passed which have been repeatedly recommended by you and the present Conduct of some persons in those Counties but too plainly prove the truth of your Excellencys Observation on them

We are well assured of your Excellencys hearty concurrence with all such measures as may be proposed for the reliefe of this Province in its present distress And we shall on our parts Endeavour by our Conduct to convince mankind we have nothing so much at heart as his Majesties Interest & the Good and Prosperity of the People of this Province

SAMUEL SWANN Speaker

The House adjourned till 3 °Clock.

P. M. The House met according to adjournment

Sent a Message to his Excellency the Governor to Acquaint him that this House was ready to present him with their Address To which his Excellency was pleased to Answer that he would receive them to morrow morning.

The House adjourned till tomorrow 9 °Clock.

Tuesday the 6th of October 1747 The House met according to adjournment

The House in a full body waited on his Excellency the Governor & presented to him their Address Then his Excellency was pleased to direct the House to return & proceed to business

The House adjourned till tomorrow 8 °Clock.

Wednesday the 7th of October 1747. The House met according to adjournment

The House adjourned till 3 °Clock.

P. M. The House met according to adjournment

The House adjourned till 8 °Clock tomorrow morning

Thursday the 8th October 1747 The House met according to adjournment

Mr. John Swann brought in a Bill for granting to his Majestie the sume of Proclamation money for & towards building Fortifications in this Province and for stamping and emiting the sume of Twenty one Thousand Two Hundred & fifty Pounds Publick Bills of Credit of North Carolina at the rate of Proclamation money for payment thereof And for Exchanging the present Bills of Credit & for the payment of Publick Debts of this Province & for making proper Provision for Defraying the Contingent Charges of the Government. Which he read in his place

Ordered the same to be sent to the Council

Mr. John Starkey moved for leave to bring in A Bill for an Act to provide Indifferent Jurymen in all Causes Civil & Criminal And also A Bill for an Act for regulating the several Officers fees within this Province And Ascertaining the method of paying the same Which he read in his Place

Ordered the same be sent to the Council

The House adjourned till 3 °Clock

P M. The House met according to adjournment

The House adjourned till tomorrow morning 9 °Clock.

Fryday the 9th of October 1747 The House met according to adjournment

Mr. John Swann Reported from the Committee of Accounts as ℔ book ( ) which was read & agreed to by the House Nemine Contra

Mr. Thomas Lovick from the Committee of Claims as Report ( ) which was read & agreed to by the House.

Mr. John Starkey moved for Leave to bring in a Bill for an Act to Impower Commissioners to settle & Adjust & Receive the several Debts due from Sundry persons in this Government to the Publick Which he read in his Place

Ordered the same pass

The House adjourned for an hour

His Excellency the Governor was pleased to command the immediate attendance of the House

The House in a full body waited on His Excellency the Governor in the Council Chamber. When his Excellency was pleased to make the following speech (Vizt)

New Bern October 10th 1747

Mr. Speaker & Gentlemen of the House of Burgesses

I am heartily sorry that after your patient and Expensive Attendance here for almost a fortnight it has not been in our power to bring any Business to perfection

You Gentlemen have done your parts you have even done more than could reasonably been Expected of you

The sincere Inclination the zeal the unanimity with which you entered into matters the most Essential to the Happyness of this Province & Carryed them on as far as was in your Powers must raise your Character with Honest men, & well wishers to the prosperity of this Colony, at the same times that it reflects shame on those persons who upon slight surmises & weak pretences have denied their Assistance to their Country in the present deplorable situation of Publick Affairs

This much Gentlemen you have at least done you have prepared and put in order Bills of the greatest Importance for the next meeting of Assembly which I hope will save you a great deal of time next spring

It would be Cruelty in me Gentlemen to detain you any longer from your own Homes and Private affairs, and therefore after returning you my most sincere thanks for your Prudent and Dutifull Behaviour I Prorogue this Assembly to the third Tuesday of next March to be then held in this place and this Assembly is accordingly Prorogued

GAB JOHNSTON

The House returned and Mr. Speaker pronounced the Prorogation accordingly

Test WILL^{m} HERRITAGE
Clerk of the General Assembly.

1748.

[B. P. R. O. North Carolina. B. T. Vol. 11. B. 80.]

Edenton May 17th 1748.

My Lords [of the Board of Trade]

Your Lordships letter of the 11th of August 1747 together with a copy of the Complaint of the Palatines Inhabiting this province came to my hands about ten days agoe, and in the same pacquit another letter dated May 26th 1747.

I am glad the case of the poor Palatines is laid before his Majesty and wish it was in my power to point out a proper method for their relief they are a very sober Industrious people and certainly had a great many of their near relations murder'd in the Indian war and yet are in a worse condition then any of his Majestys Subjects in this Province for besides the common Quit rents they want to oblidge them to pay two pence Proclamation for every Acre which Amounts to sixteen Shillings & eight pence proclamation money or Twelve Shillings and sixpence Sterling money ℔ one hundred Acres which is a most intollerable load Especially if they insist on the Arrears. I have had the heirs of Thomas Pollock and these people before me several years ago And made a Perticular Enquiry into the circumstances of this Affair And found by papers and other Proofs then brought before me the Allegations which they have now laid before his Majesty to be true. The only answer I could get from the heirs of the said Pollock was what follows. They allowed that the Baron de Graffenreed settled some of the Palatines upon the land they now live upon but had no Patent for it, that the said Baron was at Considerable more charge in furnishing the Palatines with provisions then the amount of what money he had in his hands on their Account which run the Baron in debt to their Father between Six and Seven hundred pounds Sterling for which sum the Baron gave bills of Exchange which Bills were returned protested: That upon this, the Baron Mortgaged all his Estate in this Province both real and per-

sonal for the payment of said debt and promised to give some other bills Indorsed by some able man in Virginia but returned into Germany without doing it that their Father Old Pollock after that obtained a Decree in Chancery for said Estate giving the Baron two years from that time to redeem it which we [he] failing to do these lands were surveyed and patented in Pollock name that as they Pollocks heirs apprehended they had a legal right to the lands they would not depart from any of their Pretentions unless compelled by Law and as the Palatines had lived on their Lands for so many years they should pay to them the same rent as they had agreed to do to the Baron at that time I advised the Palatines to apply to Chancery for relief but as they are not well acquainted with our language and ignorant of our Laws they were afraid to commence a suit and I never heard more of it since I cant pretend to offer anything to your Lordships for the relief of these poor people who certainly Deserve pity; If his Majesty thought proper to send orders to his Governor here, to grant them Lands Equivalent for the Acknowledgement of A pepper corn when demanded Instead of Quit rents, it might make them some amends for the loss of their Improvements. As for Pollocks demands of Arrears their Agent wou'd do well to consult his Majesty's Attorney General in England on that subject, whose Advice would have the great Weight, If their case shall ever come before any of the Courts of this Province; I am sorry I can say no more to your Lordships on this head. In answer to the letter of the 26th of May 1747. I do assure your Lordships, that I never write without sending Duplicates, at least, some times more copies, to convince your Lordships how unfortunate I am in my correspondence with your Board I shall only mention this Instance there's nothing I have more at heart then to know his Majesty's pleasure concerning the Laws passed at Wilmington in November 1746, because the peace and Settlement of the Province depends very much upon it; I tooke particular care to have them sent to your Lordships with my Observations at length on one of the laws Entituled An Act for an equal representation in the house of Burgesses I am Informed these Pacquets got safe home in the Month of May 1747. And yet I am now told by a Gentleman lately Arrived from London that they were never sent to your Lordship but lay at Mr. Samuel Wragg's house last Christmass: I have wrote to that Gentleman and desired him to send them to your Lordship whether he will do it or not I cant tell perhaps he may deliver them to Mr. McCulloch, whom the members of the six Countys have sent home as their Agent, if so they will never more be heard of (I am told the main Objection he brings Against the validity of these Laws is the smallness of the number present in the house of Bur-

gesses when these Laws were passed its true indeed, there was not much above a fourth part of the Members of that House present at that time but the true reason of that was because the Members which these six Countys claim a right to send amounting in all to twenty nine, which is a Majority of Fifty four the number of the whole had entered into a Solemn Agreement among themselves to Disobey the prorogative. And consequently to make a meeting of Assembly Impossible; for A proof of this fact I enclose two Affidavits among many which I would have sent, & hope they will have due weight with your Lordships, when this Affair shall come under your consideration) If Mr. McCulloch lays his case before the Attorney General for his Opinion (as I am informed he intends) I am afraid he will sink this last fact.

I am, your Lordships, &c.,
GAB JOHNSTON

P. S. I have sent your Lordships another copy of the minutes of Assembly which met at Wilmington 1746. In the minutes of the House of Burgesses, your Lordships will observe that there was two prorogations after the first to give the northern Burgesses time to come up; so that it could be no surprise upon them & their Absence was entirely oweing to a previous Agreement they had made to disobey the prorogation, Ten members were Absent some by reason of sickness, others on their Lawfull reasons who heartily approve of these Laws.

[B. P. R. O. North Carolina. B. T. Vol. 21. p. 311.]

Sir, [Gov. Gabriel Johnston]

* * * * * * *

We have never received the state of the Province under your government promised us in your letter of 6th June 1746 nor any Acts Minutes of the Council or Assembly nor any other public papers which you are directed by your Instructions to send us. We must desire that you no longer delay supplying these omissions and we must also remind you of our General Heads of Enquiry formerly sent you to which we desire you will as soon as possible send us full and particular answers that we may be minutely informed of every circumstance relative to the state of your Province and that you will every six months send us accounts of any alterations that may happen therein.

We must likewise desire you to send us an exact state of His Maj. Council in your Province with the names of such as are dead or absent

and the dates of their respective licenses for such absence and for how long also the names of persons proper to supply any vacancies that may happen in the said Council pursuant to your instructions.

Inclosed we send you a printed Copy of an Act passed here in the last Session of Parliament for encouraging the making of Indigo in the British Plantations in America which we hope will promote the cultivation of this valuable commodity in all His Maj. Colonies where the same is or may be produced and We recommend it to your particular care that the several provisions therein to prevent indigo of the growth of Foreign Countries being imported from our own Colonies into Great Britain in order fraudulently to obtain the bounty be honestly and punctually complied with so far as they are to be executed in your Province. It is of no less consequence that the indigo of Carolina should be merchantable and of a proper standard as upon this will depend the continuation of the Bounty You are therefore to recommend it to the Planters to be very careful in the planting curing and packing their indigo to the end that they may equal if not excel the French in this Commodity

You are to transmit to us by the first opportunity an account of the several Plantations of indigo in your Province the names of the planter with the quantity of indigo they make as also the quantity of indigo exported from the Province distinguishing the time when and the port where shipped—the names of the vessels and ports to which bound as also an account of the quantity of Foreign indigo if any imported into your Province and the time when imported together with an account of such indigo exported distinguishing the time when and the Port where shipped the names of the Vessels and the Ports to which bound and you must not fail to send us the same accounts regularly every six months that we may be as exactly informed as the nature of the thing will admit of the increase or decrease of the produce & exports of indigo from the Province under your Government.

We likewise send you inclosed an Act passed in the 20th year of His present Maj. Reign entituled An Act to extend the provisions of an Act made in the 13th year of His present Maj. Reign entituled an Act for naturalizing Foreign Protestants and others therein mentioned as are settled or shall settle in any of His Maj. Colonies in America to other Foreign Protestants who conscientiously scruple the taking of an oath.

So we bid you heartily farewell & are

You very loving friends, &c.,

J. PITT B. LEVISON-GOWER
J. GRENVILLE DUPPLIN

Whitehall June 17th 1748

P. S. We think proper to inform you that Preliminaries for a Peace have been signed at Aix-la-Chapelle by the Ministers of all the Powers engaged in the War J. PITT.

[From North Carolina Letter Book of S. P. G.]

North Carolina, Edenton July 9, 1748

Reverend Sir, [to the Secretary]

In February past I remov'd with my Family to another Rented House about a Mile and a half from Town & between Easter & Whitsuntide I journey'd thro' my North Mission preach'd about 16 Sermons within 3 weeks and baptized about 347 Persons—the Congregation were more numerous in Currituck than heretofore & generally behave devout & orderly—We were obliged there several times to perform Divine Service under ye Shady Trees, the Chapels nor Court House being not large enough to contain one half of the People. I do purpose (God willing) to set out in Sept^{r} next to perform my like Duties through my South Mission.

Our Church is cover'd at last, but not finished neither have I heard what is become of the Folio Bible, Common Prayer Book & ye other Books you mention'd nor of Mr Nath^{l} Matthews—I should be glad to hear from you & receive some yearly abstracts for 4 or 5 years past, & (if the Society please) some of Cotervalds Chatechisms &c—My Brother Missionary Mr Moir has been employ'd in Edgecomb Parish in this North part of the Province ever since Easter was twelve months—I purpose to write again the Fall of the year. Total of what I have baptized is about 2592 Persons

Reverend Sir, Your most obliged faithful Serv^{t}

CLEMENT HALL

I learn that the Widow Garzia is but in low circumstances, chiefly by reason of her deceased's Husband's Expenses & trouble in sueing for his Dues which occasioned him to be very much behind hand in the world & ye creditors of late have sold all both Lands & Houses. She returns hearty thanks to ye Hon^{ble} Society for their former bounty to her and desires to know whether there is anything allow'd yearly for the Missionaries Widows—Since the war commenced Goods are excessively dear & besides ye Industry of herself & children she hath but little left to support herself withal. She humbly prays ye Worthy Society to consider her helpless condition & allow her some further supply as they shall

think proper, whereby she may be enabled to redeem her Lotts and Houses and to maintain herself and three children (with their own care and Industry) from Penury & contempt

Yrs &c CLEM^{t} HALL.

[B. P. R. O. North Carolina. B. T. Vol. 21: p. 318.]

To the Right Hon^{ble} the Lords of the Committee of His Majesty's most Hon^{ble} Privy Council.

My Lords,

Pursuant to Your Lordships Order of the 13th of July 1747 We have taken into our consideration the humble petition of the Palatines in North Carolina complaining of their having been dispossessed of lands granted to them in that Province by her late Maj. Queen Anne by Col. Thomas Pollock and that the heirs of the said Pollock have turned them off their possessions and humbly praying that His Majesty will be graciously pleased to restore them to the possession of their said Lands at any term of rents under His Majesty as shall be thought meet, Whereupon we take leave to acquaint your Lordships

That we were attended upon this occasion by Morris Walker one of the said Palatines in the behalf of the said petitioners who represented to us that they were a laborious people who had for many years been employed in manufacturing Pitch and Tar during which time they had struggled with great hardships as alleged in the said petition and amongst other things informed us that there had been several years ago proceedings at law in that Province between the said Col. Thomas Pollock and the Petitioners in consequence of which the Petitioners had been dispossessed of the lands upon which they were first settled but the information of the said Morris Walker with respect to those transactions being very imperfect We thought it advisable to transmit a copy of the said petition to Gabriel Johnston Esq. His Majesty's Governor of the Province of North Carolina and to direct him to send us a particular account of this affair in answer to which in his letter to us dated the 17th of May 1748 he informs us that the Palatines are a very sober industrious people and had a great many of their near relations murdered in the Indian war and yet are in a worse position than any of His Maj subjects in that Province for besides the common Quit Rents they want to oblige them to pay two pence Proclamation for every Acre which amounts to sixteen shillings and eight pence Proclamation money or twelve shillings and

six pence sterling Money for one hundred Acres which was a most intollerable load especially if they insisted upon the arrears. That he had the heirs of Thos. Pollock and these people before him several years ago and made a particular enquiry into the circumstances of this affair and found by papers and other proofs brought before him the allegations which they have now laid before His Majesty to be true That the only Answer he could get from the heirs of the said Pollock was that they allowed that the Baron de Graffenreidt settled some of the Palatines upon the lands they now live upon but had no patent for it, that the said Baron was at a considerable more charge in furnishing the Palatines with provisions and necessarys than the amount of what moneys he had in his hands on their account which run the Baron in debt to their Father between six and seven hundred pounds sterling for which sum the Baron gave Bills of Exchange which Bills were returned protested That upon this the Baron mortgaged all his estate in that Province both real and personal for the payment of the said debt and promised to give some other Bills endorsed by some able men in Virginia but returned into Germany without doing it That their Father after that obtained a decree in chancery for said Estate giving the Baron two years from that time to redeem it which he failing to do these lands were surveyed and patented in Pollock's name that as they (Pollock's Heirs) apprehended they had a legal right to the lands they would not depart from any of their pretensions unless compelled by law and as the Palatines had lived on their lands for so many years they should pay to them the same rent as they had agreed to do to the Baron That at that time he advised the Palatines to apply to Chancery for relief but as they were not well acquainted with the language & ignorant of the Laws they were afraid to commence a suit and he never heard more of it since.

Therefore as it appears that the said Col. Thomas Pollock did obtain a Decree in the Court of Chancery in that Province from which there has been no appeal and that the lands were afterwards surveyed & patented in his name We are of opinion that His Majesty cannot comply with the prayer of the said Petition, but in consideration of the repeated hardships which these people who have been so many years settled in North Carolina have suffered by being dispossessed of their Lands and the advantages which will arise to the said Province by the continuance there of a number of useful & industrious inhabitants We would submit to Your Lordships whether it may not be advisable that His Maj. Governor of the said Province be directed to make a Grant or Grants to the said Petitioners of so much Land in the said Province hitherto ungranted as shall be equivalent to the Lands they have been

dispossessed of to be free from Quit rents for the first ten years & afterwards to pay the accustomed quit rents of four shillings Proclamation money for every hundred acres agreeable to the tenor of his Maj. Instructions to the said Governor And provided that he take care in the making of such Grant or Grants that the said shall become void as to so much of the said land as shall not be cultivated within ten years of the date of each respective Grant And if it shall be His Maj. pleasure to comply with these proposals We would further submit whether it may not likewise be advisable that the said Governor should receive his Maj. directions to recommend to the Assembly of that Province to make provision for defraying the charge of surveying the Lands so to be granted and of issuing the Grants for the same or that the said Petitioners may be eased of the expense attending the said survey and grants in such other manner as your Lordships shall think proper.

We are My Lords, &c.,
J. PITT
J. GRENVILLE
DUPPLIN.

Whitehall August 30th 1748.

[From North Carolina Letter Book of S. P. G.]

North Carolina Sep. 29th 1748.

Reverend Sir, [to the Secretary]

I have rec'd yrs of ye 4th of February past, as also a Box with Books; and my own things from Mr Hughes tho' with some loss. The Parishioners joyn with me in returning hearty thanks to the worthy Society for the Folio Bible & Prayer Book, tho' one Church is not yet finished.

I have distributed most part of ye other Books among ye poor & most proper & deserving of ye People, who with me return hearty thanks (in a Letter to Mr. Benjamin) to all ye Benefactors I have enclosed to Mr Hughes my 3d Bill of Exche for £50 Sterling due Midsummer past & pray it may not fail being amended.

By reason of my own & Familys sickness & bad weather I am disappointed if my long Journey of near 400 miles to the Southward at present, (& is ye first time I have been hindered performing my Duty thro' my Mission which I endeavour twice a year) but purpose God willing to set out in ye Spring—Please to favour me with ye annual abstracts of ye years 47 & 48 by Mr. Hughes—I am with humble thanks and Service to the Honble Society Reverend Sir, Your and their most, &c.,

CLEMENT HALL.

[From North Carolina Letter Book of S. P. G.]

Newberne October 15. 1748

Sir, [to the Secretary]

You may probably be surprised that I have not long before this time returned my hearty thanks to the Hon^ble & Reverend Society for the honour they have done me in choosing me a member. I assure you Sir it does not proceed from any want of the sense of the obligation I am under for so great a favour. But as I have been for these two years past soliciting for leave to go home, I was resolved to make my acknowledgments in person, and at the same time to lay before them a more exact account of the State of the affairs of this country than has hitherto been done.

The reason of my troubling you at present is to recommend to the Society by your means the Rev^d Mr. Bevis who has officiated as Minister in New Brunswick on Cape Fear River for these two years past, to the universal satisfaction of the People; both for the Integrity of his Life and the soundness of his doctrine.

This Gentleman lived many years as a Layman in this country & was even then when under no restraint from the character of his Function, generally esteemed & respected by all the Gentlemen there for the Innocence of his Life, and a blameless conversation It is but within these 4 years that he discover'd to some of his intimate acquaintances that he was in orders. He has since produced to me authentick Exemplifications of his being ordained Deacon & Priest by the Lord Bishop of Peterborough in the latter end of the Reign of Queen Anne, if I am not mistaken 1711.

Mr. Moyer the Missionary for the Southern parts of this Province; about 2 years ago did without asking leave of any body remove himself from Cape Fear to that part of the Country adjoining to the Virginia Line and has never officiated since as Missionary Mr. Bevis has done all he can to supply this loss in his neighbourhood. But the want of a Minister is very sensibly felt in that large District, and a Multitude of children are unbaptized.

Everybody I have conversed with earnestly wish the Society would appoint Mr. Bevis as their Missionary, as he is a person they know, have a good opinion of, and whose Constitution is enur'd to the Climate, and consequently will enable him to bear the fatigues of his Labourus Function much better than any stranger can do.

I am, Sir, your most, &c.,

GAB. JOHNSTON.

[From North Carolina Letter Book of S. P. G.]

Cape Fear Nov^{r} First 1748.

Sir: [to the Secretary]

His Excellencie Governor Johnston having wrote to you in my behalf; that I might be made a Missionary for this District in the room of Mr. James Moyer who left the same above 15 Months agoe, I write this to you to obviate an objection that may be raised against me Viz^{t} whether I be the same Christopher Bevis the exemplification of my Priests orders mentions to clear up which doubt I have thought it proper to let you know the place of my Birth Education & what cures I served when in England. The place of my Birth is Peterborough in Northamptonshire at which Free School I was educated till the year 1703 at which time I went to Emanuel College in Cambridge where I abode the best part of six years in which time I took the Degree of Bachelor of Arts. Sometime afterwards with a Testimonial from the said College I enter'd into the Orders of Deacon at Peterborough & in the year 1711 I entered into Priests Orders at the same Cathedral Church. After this I served in the cure of Barnack in Northamptonshire, seven miles distant from Peterborough, about the space of six or seven winters the Rev^{d} Squire Payne Rector of Barnack son in Law & Chaplain to the then Bishop of Peterboro' officiated in the said cure himself during the Summer Seasons —afterwards I served in the cure of Paston two miles distant from Peterborough about the space of three years—the last cure I served was at Wilby in the aforesaid County where I continued 5 or 6 years, but during the last 7 years I deem'd, myself an unfit person to officiate in the Priests Office but necessity forced me so to do—what rendered me unfit was a frequent bleeding of the Nose which increased 'till the meridian of Life this and continued disappointments rendered my head extremely weak & filled with melancholy—in this condition I thought it better to lay down the Priests Function than to serve to dishonor it—this I did in the year 1728 and in the year following I came to this place where I have continued ever since, & by slow degrees (thanks be to God) I have got a good state of health—the reasons of my laying down the Office of a Priest ceasing and the great want of a Minister in the place induced me to take it up again

That the same Christopher Bevis who did take Priests Orders at Peterborough in the year 1711 is now at Cape Fear my Elder Brother Mr. Miles Bevis of the said place (if alive) can ascertain—I having wrote several Letters to him, some of which I am assured came to his hands.

I am Sir, Your most, &c., CHR: BEVIS.

[From North Carolina Letter Book of S. P. G.]

Edgcombe County Novr 22nd 1748

Revd Sir, [to the Secretary]

When I was preparing to leave this Province in the Spring, many of our communion told me they thought it my duty to continue not only because they were pleased with my labours but more especially because a great number in the County had turn'd Baptists for want of a clergyman and for encouragement they assured me that next Easter Monday a Vestry was to be chosen that wod do me justice—they perform'd their promise; for ye New Vestry called the Tax gatherers to account & paid my Salary faithfully; and withal gave me to know they would slip no opportunity of purchasing a Glebe and making convenencys for me, and that in acting thus, they did nothing but was very agreeable to the body of the People; They also allow'd me more time to officiate in remote places than the former Vestry had done—These considerations prevailed with me to agree for another year—By riding thro' the Upper parts I plainly see they require 3 missionaries, one to the South near ye Branches of Pedee River another upon Neuse 120 miles above Newberne and the third in the North towards Virginia—The People seem much inclined to encourage Missionaries and often complain of their being pester'd with sermons of Baptist Teachers, whom I always found to be as grossly ignorant as those they pretend to teach. I should be under no doubt of a Missionarys doing very well in those parts had not the rulers of this Province pass'd a Law last April for issuing paper Bills to the value of £23000 Proclamation money—when I was at Cape Fear the beginning of this month I had some of my Salaries paid in these new Bills, and offer'd them at 10 per cent Discount for cash but can get nothing for them.

I cannot give a particular account of the persons I have baptized since Michaelmas 1747 it frequently happening that I am not so well acquainted as to desire any to take the number: several spectators have told me I Baptized above 100 in one day—Two white adults I baptized by dipping—Last Whitsunday I had 95 communicants—I received your favour of Febry 4. 1747 & purpose to draw in Bills till the Venerable Society sees fit to appoint me their Missionary for the Northern District in the Upper Parts—If I can obtain leave of the Parish I hope to have the pleasure of seeing you next Summer and am in the mean time Revd Sir

Your most, &c., JAMES MOIR.

[B. P. R. O. B. T. Journals. Vol. 56. p. 8.]

BOARD OF TRADE JOURNALS.

Wednesday January 13th 174⅞.

Present

Mr. Plumer. Lord Dupplin. Mr. Leveson-Gower Mr. Fane.

The Secretary having acquainted the Board that Mr. Joshua Sharpe had desired to be heard in favour of an Act passed in North Carolina in 1746 for regulating Assemblies and to have a copy thereof Directions were given that copy of said Act should be made and delivered to him

[Page 42.]

Wednesday April 6th 1748.

Read—Order of the Lords of Committee of Council for Plantation Affairs dated the 15th of January 1747 referring to this Board the petition of certain persons inhabitants of several Precincts and Countys in North Carolina against an Act passed there in 1746 for regulating the number of the Members of the Assembly and directing them to report their opinion thereupon.

[Page 45.]

Tuesday April 9th 1748

The Board pursuant to the Minutes of the 6th inst. took into their consideration the Order of the Lords of the Committee of Council for Plantation Affairs referring to them a petition of several inhabitants of the Northern Countys of North Carolina against an Act for regulating the number of the Members of the Assembly and a letter from Otho Hamilton Lt. Gov. of Placentia relating to the want of Civil officers there and after some time spent therein the Secretary was directed to write to Mr. Hamilton to attend the Board on Wednesday the 27th inst. upon the subject of his said petition And their Lordships being informed that Mr. McCulloh Inspector & Comptroller of the Quit rents in North & South Carolina was employed by the petitioners against the above mentioned Act of North Carolina to support the said petition and Mr. Joshua Sharpe having desired to be heard in favour of the said Act the Secretary was further directed to write to them to desire their attendance upon that subject on Thursday the 28th inst.

[Page 52.]

Wednesday April 27th 1748

The Secretary acquainted their Lordships that Mr Mc Culloh Agent for the petitrs against an Act passed in North Carolina in 1746 for regu-

lating the number of the Members of the Assembly who had been wrote to to attend on the 28th inst. on that subject had desired him to move their Lordships that the hearing upon that affair might be put off to a further day and that Mr Joshua Sharpe who was likewise desired to attend upon this occasion had consented thereto Whereupon their Lordships appointed Wednesday the 11th of May for hearing the said matter and notice was ordered to be given to both parties to attend on that day.

[Page 58.]

Wednesday May 11th 1748.

Mr McColloh Agent for the petitioners against an Act passed in North Carolina in 1746 for ascertaining the number of the Members of the Assembly and Mr Joshua Sharpe employed to support the said Act attending as appointed by the Minutes of the 27th of April and the Order of the Lords of the Committee of Council referring the said petition also the above mentioned Act having been read Mr McCulloh presented a paper entituled Observations in relation to a pretended Act of Assembly passed at Wilmington in North Carolina November 1746 entituled an Act for ascertaining the number of Members &c containing his reasons against the said Act and the said paper having been read Mr McCulloh desired that the 4th clause of the charter granted by King Charles the 2d in the 17th year of his reign to the Lords Proprietors of Carolina might be read in order to show that all Laws ought to be made with the approbation and consent of the freemen of the said Province or a majority of them and the same was accordingly read and further to show that the said Law was not passed conformable to the King's Instructions. Mr McCulloh desired that the 22d Article of his Maj. Instructions to his Govr of the said Province in the year 1733 whereby he is directed not to pass any Act of an unusual or extraordinary without a suspending clause might be read as also the 2d clause of his Maj Commission to the said Governor directing him to do all things agreeable to his Commissn and Instructions and the same were accordingly read and then as evidence that there was not a majority of the Assembly present at the passing the said law Mr McCulloh produced the Minutes of the Assembly held at Wilmington in November 1746 and desired that a person present might give evidence upon oath that the said paper was taken from the records of the said Province whereupon Mr Joshua Sharpe objected to said Minutes of Assembly being given in evidence not having the seal of the Province affixed thereto agreeable to the Governor's instructions upon that head and insisting upon his objection Mr McCulloh desired that an Order might be sent to the Governor of the said Province to transmit all the necessary evidence in this matter

under the seal of the Province whereupon both parties were ordered to withdraw and being again called in and their Lordships desiring M^{r} M^{c}Culloh to acquaint them what evidence he thought necessary to be transmitted over upon this occasion the evidence required by him was as follows viz: Minutes of the Assembly in November 1746 with the names of such Members as were present at their first meeting as also the names of such as were sworn in afterwards and the whole number present during the continuance of that Session The Governor to admit and send over under the seal all evidence to prove that it was the constant and uninterrupted practise of that Province that a majority of the Assembly should be present before any business was proceeded upon any Writs issued by the Governor for the calling an Assembly before the year 1736—The Order of the Palatines Court in the year 1696 and the Acts constituting Tyrrel and Bertie Counties and the parties being withdrawn the Board agreed to take the same into their further consideration on Friday sen'night

[Page 62.]

Friday May 20th 1748.

The Board took into consideration the petition of the inhabitants of the several Counties in North Carolina against an Act passed there in 1746 relating to the Members of the Assembly mentioned in the Minutes of the 11th inst. and ordered the draught of a Report to the Lords of the Committee of Council to be prepared proposing that directions should be sent to the Governor of the said Province to transmit the evidence desired by M^{r} M^{c}Culloh Solicitor for the said petition mentioned in the said Minutes and also all other evidence relative to this affair which he should think proper and that in the mean time a state of the case of the Assembly of the said Province so far as relates to this Law be prepared in order to be sent to the Attorney and Solicitor General for their opinion thereupon.

[Page 71.]

Tuesday May 24th 1748.

Report upon the petition of the inhabitants of several of the Northern Counties in the Province of North Carolina complaining of an Act passed there in 1746 for ascertaining the number of the Members of the Assembly &c. proposing that the Governor should be directed to send over the necessary evidence in this affair in order for the Board's further report thereupon was agreed to and signed

[Page 109.]

Wednesday June 15th 1748.

The draught of a letter to Gabriel Johnston Governor of the Province of North Carolina in answer to one receivd from him since the Board's last letter was laid before the Board agreed to & ordered to be transcribed.

[Page 113.]

Friday June 17th 1748.

The draught of a letter to Gov. Johnston ordered by the last Minutes —was signed and an Act passed in the last Session of Parliament for encouraging the making of indigo in the British Plantations referred to in the said letter was ordered to be transmitted therewith as also an Act passed in the year 1746 for extending the provisions of an Act made in the 13th year of his present Majesty for naturalizing Foreign Protestants and others therein mentioned as are settled or shall settle in any of his Maj. Colonies in America to other Foreign Protestants who conscientiously scruple the taking of an oath.

[Page 242.]

Wednesday August 17th 1748.

Read a letter from Mr. Johnston Govr of North Carolina to the Board dated Edenton 17 May 1748 in answer to one from the Board dated 11 of August 1747 inclosing a petition of several Palatines in that Province complaining of their having been dispossessed of lands which they had settled upon by the heirs of Col. Pollock and inclosing Copy of two affidavits Viz: of Saml Swan dated 10th Oct. 1747 and of John Lovick 4th Janry 1747/8 sworn before George Gould Esq. one of His Maj. Justices of the Peace for Bertie County in North Carolina relating to the Members of the Northern Counties refusing to attend the Assembly at Wilmington.

Minutes of the Upper House of Assembly from 20th Novr to 6th Decr 1746

Minutes of Assembly from 21st Novr to 5th Dec. 1746.

Ordered that the Draught of a Report to the Lords of the Committee of Council pursuant to their Lordships Order of the 13th July 1747 referring the petition of the Palatines mentioned in the above letter from Mr. Johnston be prepared.

[Page 251.]

Thursday August 25th 1748.

Read the Copy of an Order of the Lords of the Committee of Council dated 14th July 1748 upon a Report of this Board upon the petition of the inhabitants of the Northern Counties in North Carolina against

an Act for ascertaining the number of the Members of the Assembly directing the Governor of the said Province to transmit his Answer to the said petition & such other evidence in support of the allegations of the said petition as the petitioners or their Agents shall require.

[Page 254.]

The draught of a Report to the Lords of the Committee of Council upon the petition of the Palatines in North Carolina ordered to be prepared by the Minutes of the 17th inst. was laid before the Board agreed to and ordered to be transcribed.

Ordered that the Draught of a letter to Mr. Johnston Governor of North Carolina in answer to his of the 17th of May last mentioned in the Minutes of the 17th inst. be prepared. it was agreed to & ordered to be [Pages 255 and 256] transcribed on the 26th Aug. & signed on Aug. 30th.

[Page 309.]

Thursday Decr 8th 1748.

Present

Earl of Halifax

Mr. Pitt. Mr. Leveson-Gower.

Mr. Grenville. Lord Dupplin.

Mr. Fane.

Read an Order of the Lords of the Committee of Council dated 24th Novr 1748 approving a Report made by this Board the 30th Aug. last upon the petition of the Palatines in North Carolina relating to their being dispossessed by the late Col. Pollock and his Heirs of lands granted them in that Province by her late Majesty Queen Anne and directing this Board to prepare a Draught of an Instruction in the manner proposed by the said Report for his Maj. Govr of the said Province.

[Page 313.]

Tuesday Decr 13th 1748.

The draught of an additional Instruction to Gabriel Johnston Esq. Governor of North Carolina directing him to make a Grant to certain Palatines in that Province who have been dispossessed of lands formerly granted to them by the Crown by Col. Thomas Pollock and his heirs of so much land as shall be equivalent to what they have been so dispossessed of ordered to be prepared by the Minutes of the 8th inst pursuant to an Order of the Lords of the Committee of Council therein mentioned was laid before the Board agreed to and ordered to be transcribed and the Draught of a Report to the Lords of the Committee thereupon ordered to be prepared. [Page 317] It was laid before the Board agreed to transcribed and signed Decr 14th

[From the MSS. Records of North Carolina Council Journals.]

COUNCIL JOURNALS.

At a Council held at New Bern 25 March 1748

Present His Excellency the Governor

The Honoble { Robert Halton, Eleazer Allen, Edwd Moseley, Roger Moore and Wm Forbes } Esqrs Members of Council

Read the following Petitions for Warrants for Land Vizt

Robert Lee 200 Johnston, Jno Rogers 200 Craven, Robt Taylor 100 Johnston, Wm Teague 100 Do, Wm Islar 100 Craven, Joseph Carruthers 125 Johnston Granted

Read the following Petitions for Patents for Land Vizt

Jno Hilliard 100 Craven, Benoni Lofton 50 Do, James Batchelor 100 Onslow, Stephen Howard 300 Do, Benjamin Adams 150 New Hanover, Anthy & George Miller 240 Do, Othniel Strahan 200 Do, Edward Vann 300 Do, Jacob Powell 100 Johnston, Wm Killet 300 Do, Thomas Castellaw 200 New Hanover, John Arrington 200 Bladen, Abraham Powell 400 Johnstone Granted

At a Council held at New Bern 26th March 1748

Present His Excellency the Governour

The Honoble { Robert Halton, Math Rowan, Edwd Moseley, Roger Moore, Wm Forbes } Esqrs Members of Council

Read the Petitions of the following Persons for Patents Vizt

Southey Rew 219 Craven, John Linkfield 200 Do, George Gould 640 Bladen, Do 640 Do, Nathan Smith 400 Carteret, Thomas Nelson 640 Do Granted

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At a Council held at New Bern 29th March 1748

Present His Excellency the Governor

The Honoble { Nath Rice, Robt Halton, Math Rowan, Edwd Moseley, Roger Moore, Wm Forbes } Esqrs Members of Council

Read the following Petitions for Warrants for Land Vizt

Mary Musgrove 640 New Hanover, Isaac Overman 200 Bladen, Saml. Pikes 350 Do, Thomas Holmes 200 Do, Saml Blackshire 100 Onslow Granted

Read Sundry Petitions for Patents for Land as follows Vizt

Edmund Barnecastle 103 Craven, W^m^ Williams 360 Onslow, Thomas Johns 150 New Hanover, James Mackilwean 400 Craven Granted

Read the petition of Edward Griffith Esq setting forth that he is in possession of a Tract of Land of 640 Acres Scituate on the North side of Neuse river bearing date the 18^th^ of Nov^r^ 1723 granted unto John Lovick under whom the Petitioner claimeth and that he hath settled and greatly improved the same. That the Surveyor in his return thereof hath committed a mistake by laying down the Courses of part of the Survey N° 47 W^t^ 320 pole to a Pine thence S° 70 W^t^ 320 to a pine when it ought to have been N° 47 E^t^ & N° 29 W^t^ praying that the Secretary be Ordered to amend the Courses of the Lines as above expressed in the Patent and the record thereof.

Ordered that the Secretary do alter the Courses as prayed for and that he cause a minute of this Order to be entered with the record of said Patent

Read the petition of Edward Griffith shewing that he obtained a grant for 640 Acres of Land in Bladen County. Upon Shewing but having since found the Land is four miles within the Lines of Land of Henry M^c^Culloh Esq^r^ humbly prays that the said Grant be expunged the Record that so he might not be liable to pay Quit rents for the same. Ordered that the same be expunged the record accordingly

Read the Petition of Edmond Pierce shewing that a Patent granted to him in November 1735 was erroneous the word Creek mentioned in the plat thereto annexed being Omitted to be inserted in the Patent praying the same might be rectified as well as the record thereof which the patent being produced was accordingly done in Council

His Excellency was pleased with the Assent of his Majestys Council to nominate and appoint Eleazer Allen, Edward Moseley and Roger Moor Esq^rs^ to be Associate Justices of this Province and to Order a Commission to be made out for that purpose accordingly.

At a Council held at New Bern 4^th^ April 1748

Present His Excellency the Governor

The Honoble	Nath Rice	Edw^d^ Moseley	Esq^rs^ Members of Council
	Rob^t^ Halton	Roger Moore	
	Math Rowan	W^m^ Forbes	

Read the following petitions for Warrants for Land Viz^t^

Joseph Pitman 100 Craven, Henry Smith 250 D°, Hope Willet 100 New Hanover, George Eiland 150 Johnston, Jno Mead 100 Onslow, James Conner 200 Craven, Ditto 400 Johnston. Granted.

Read the Petition of Horatio Woodhouse Shewing he is in possession of part of a Tract of Land granted to Thomas Johnston the 25 September 1741 Scituate in Onslow County. And the Petitioner conceiving there's more Land comprized within the Lines of the Patent than is therein specified humbly prays a Resurvey thereon. Granted.

Ordered that the Surveyor General cause a resurvey thereof to be made accordingly and make report of his doings to the Council at their next Meeting.

Read the Petition of Benjamin Wheatley Esq^{r} setting forth that in Governour Burrington's Administration he obtained a Warrant for 640 Acres of Land lying in Bath Town as then called, but now Craven, Scituate on the South side of Trent River which was duly surveyed and returned into the Secretarys Office. That he also obtained his Excellencys Grant for a Patent in Consequence, but the said Warrant and Grant being either Mislaid or lost. He produced to this Board a plott attested and sworn to by the Surveyor in pursuance whereof he humbly prayed a Grant. Whereupon it was Ordered that a Grant pass to the said Benjamin Wheatley agreeable to the aforesaid plat and that the same bear date from the first Court His Excellency held in this Province.

Read the following Petitions for patents for Land Viz^{t}

Robert Hatcher 250 Craven, Abraham Boyd 300 Bladen, Thomas Hobbey 300 Johnston, Jno Fitzgerald 200 Craven, Tho^{s} Graves 100 D^{o}, Joseph Carruthers 125 Johnston, Martin Futch 100 Craven, Andrew Morgan 250 D^{o}. Granted.

Read the Petition of Peter Cliff Setting forth that about five or six years since he obtained a Warrant for 300 Acres of Land lying in New Hanover County on Smiths Creek which had been surveyed by the late William Gray Dep^{y} Surveyor as appears by the affidavit produced to this Board of James Henney one of the Chain Carriers, That on many applications for a Grant he hath often received from the Secretary for Answer, that either the return of the said Warrant was never made into his Office or the same was so mislaid that it could not be found. And the Petitioner further shewing that he has sold the said Land and given his Bond for a considerable sum to make a title thereto therefore humbly prayed that upon returning an Attested Plot thereof into the Secretarys Office a Grant might pass in Consequence

Ordered that on the filing such Plot as aforesaid a Grant pass to the said Peter Cliff accordingly

Ordered that George Gould Esq^{r} Surveyor General do make a return into the Secretary's Office of all the Warrants and Plot of Land surveyed by the late William Gray Deputy Surveyor between this and the next Sitting of the Council.

At a Council held at New Bern 6th day April 1748.

Present His Excellency the Governor

The Honoble { Nath Rice, Robt Halton, Math Rowan, Edwd Moseley, Roger Moore, Wm Forbes } Esqrs Members of Council

Read the following petitions for Warrants for Land Vizt

Robert Ryley 250 Johnston, Ditto 300 Do, Henry Bishop 100 Onslow, Bryan Cannor 200 Bladen. Granted.

Read Sundry Petitions for Patents for Land as follows Vizt

Richd Johnston 100 Craven, Jno Stringer 100 Do, Wm Gray 300 Do, Jno Chapman 200 Do, George Moore 640 New Hanover, Ditto 640 Do, Malcolm MoNeal 200 Bladen. Granted

Read the Petition of Edmund Pearce Shewing that a patent which was the other day corrected at this Board appeared to be further Erroneous in as much as the Land is said to Lye in Beaufort, whereas it is in Craven praying that the said Patent as well as the record thereof might be rectified which was accordingly done in Council the word Beaufort being erased out of the same, and the word Craven being inserted in the room thereof. By order JNO RICE C. C.

At a Council held at New Bern 29th September 1748

Present his Excellency the Governor

The Honoble { Nath Rice, Robert Halton, Edwd Moseley, Roger Moore and Will Forbes } Esqrs Members of Council

Captain Samuel Davis, Charles Robinson, and Thomas Smith exhibited a petition in behalf of themselves and Sundry others Inhabitants of Pedee, which was read being to the following Effect Vizt

That by the great distance of that Settlement from the County Court of Bladen, and the badness of the ways they were in a manner excluded from all Benefits of the said Court, to which, by reason of the bad behaviour of many amongst them, they have frequent Occasions of recourse Wherefore they pray for a Division, and to be made a separate County, when (tho' now but few) they doubt not to encrease to a competent Number.

Then was also read a Petition with several names to it, in one and the same hand writing, as of Inhabitants of Pee dee, opposing the aforesaid Petition, in regard of the Paucity and Poverty of the Inhabitants. Whereupon his Excellency was pleased to interrogate the presenters of the first petition (no person appearing to the other) upon the subject of their petition: And it appearing to the satisfaction of his Excellency and

the Council, that the Number of white Tithables upon Pee dee river and near the same, is between two and three Hundred; and that the Court House of Bladen County (in which County they have been hitherto Included) is above one hundred miles distant from the nearest Inhabitants of Peedee; and that at some seasons of the year, the roads between are very bad, if not impracticable. For the ease of the said Inhabitants, and to promote the Settlement of the said River his Excellency thought proper, by and with the Advice and consent of His Majestys Council, to grant the petition for a Division of the County of Bladen, and making Pee dee and parts above it a Separate County as aforesaid and accordingly it was Ordered, that that part of Bladen County which is known by the name of Peedee, together with all parts adjacent, extending as hereafter set forth, shall be erected into a County, distinct from and independant of Bladen County by the name of Anson County. And by virtue of the Power and authority of his Excellency the Governour in Council, agreeable to ancient usage, the said place or Tract of Land commonly called Peedee, and parts adjacent, were erected into, made, constituted and declared (within the Bounds and Limits hereafter described) to be, and henceforth are to be deemed held and taken for a separate County, by itself, with Distinct Jurisdiction, enjoying all such Priviledges and powers as any other County within this province have and enjoy (that is to say) the said County shall be and stands divided from Bladen County by little Peedee river, to the head of the main Branch thereof, and then by a Line to be run, as near as may be equal Distance from Haw River, and Great Peedee river, And untill another County shall be Erected to the Westward or Northward of this new County, all the Inhabitants to the Westward of the aforementioned Dividing Line, shall belong and appertain to Anson County.

Then His Excellency was pleased to lay before the Board his proper power or Commission as consequent to the foregoing Effect which was read being as follows, viz^{t} Know all men by these Presents that I Gabriel Johnston Esq^{r} Captain General, Governour and Commander in Chief in and over his Majestys Province of North Carolina, Upon the humble Petition of his Majestys Subjects the Inhabitants of Peedee by virtue of the Power and Authority vested in me by his Majesty's Commission and agreeable to Ancient Usage for good and sufficient Reasons me thereunto moving by and with the Advice and Consent of his Majesty's Council to make, create, constitute and ordain the said Peedee in the province of North Carolina and certain Tracts of Land contiguous to the same late in the County of Bladen, a County by the name of Anson County, and the same is hereby Declared (within the Bounds and

Limits hereafter ascribed) a County by itself Separate from and independent of Bladen having distinct Jurisdiction with all such Power and Priviledges as any other Countys within this Province have and enjoy: Which County of Anson shall be and is hereby Circumscribed and bounded as followeth that is to say the same is and stands Divided and Distinguished from Bladen County by little Peedee River to the Head of the main Branch thereof and then by a Line to be run equal distance from Haw River and Great Peedee River and untill another County be Erected to the Westward or Northward of this new County all the Inhabitants to the Westward of the aforementioned Dividing Line, shall belong and appertain to Anson County In testimony whereof I have hereunto set my hand and caused the Seal of the Province to be Affixed at New Bern day of Anno Dom 1748. GAB JOHNSTON

At a Council held at Newbern 30 September 1748

Present His Excellency the Governour.

The Honoble { Nath Rice, Rob^{t} Halton, Edw^{d} Moseley, Roger Moore and W^{m} Forbes } Esq^{rs} Members of Council

Charles Robeson, Thomas Smith and Captain Samuel Davis appeared again before this Board and being asked by his Excellency with regard to the most proper persons for Justices as well as convenient and most fitting place to fix a Court house in the new County they acquainted his Excellency as their Opinion that the most proper Persons in regard of their situation be added to the former Justices to constitute with them a Bench of Justices are John Hicks and John Holmes and the Ford of Rockey River where the road crosses is the most suitable place whereon to fix the Court House.

Ordered that Joseph White, Charles Roberson, Edmund Cartledge, William Philips, Samuel Davis, Thomas Smith, John Hicks and John Holmes Gen^{t} be appointed Justices for and within the County of Anson and that a Commission issue accordingly constituting and appointing the said Joseph White, Charles Robinson, Edmund Cartledge, William Philips, Samuel Davis, Thomas Smith, John Hicks and John Holmes Justices of the peace for the County of Anson and that the Court Days be on the fourth Tuesdays in the Months of March, June, September and December yearly

John Hamer being recommended to His Excellency to be Sheriff of the County of Anson, Ordered that a Commission issue accordingly constituting and appointing the said John Hamer Sheriff of Anson County.

The Council adjourned till the afternoon 3 °Clock

P. M. The Council met pursuant to Adjournment

Present His Excellency the Governour

The Hon^{ble} { Robert Halton, Roger Moore, Edw^{d} Moseley, Will Forbes } Esq^{rs} Members of Council

Read the following Petitions for Warrants Viz^{t}

James Herberts 640 Johnston, Robert Hatcher 250 Ditto, James Herbert 200 Craven, John Matchit 200 New Hanover, Elizabeth Hill 150 Onslow, Jno Peterson 200 New Hanover, Simon Player 200 D^{o}, Severus Goold 500 Onslow, Benjamin Meredith 100 New Hanover, David Smith 100 Bladen, Ditto 100 Ditto. Granted.

Read the Petition of John Kearney setting forth that his Mother and he are in possession of a Tract of Land granted by the late Lords Proprietors unto Thomas Lewis Junior situate in Craven County in the fork of Adams Creek and conceiving there is more Land contained within the Lines of the Patent than therein specified humbly prays a resurvey Granted and Ordered that the Surveyor General do cause a Resurvey to be made thereof and return the same to this Board

Read the Petition of Malcom Smith shewing that he is Assignee of a patent for a Tract of Six hundred and forty Acres granted unto James Jones the 10th day of September 1735 situate in Bladen County on the South side of the river 20 miles above Rockfish Creek joining the upper side of Thomas Jones Land And apprehending there is more Land comprized within the Lines and Distances of the said patent than the same mentions humbly prays a Resurvey Granted and Ordered that the Surveyor General do cause a Resurvey to be made of the said Land and make return thereof to this Board

Read the petition of Edward Conner setting forth that a Patent which he obtained from his Excellency for Six hundred and forty Acres of Land situate in Bladen County on the West side of the N. West River and the plat thereto annexed, thro' the Surveyors mistake, are both Erroneous; who instead of returning a plot after this manner, Beginning at a Hickory thence running S^{o} 70 W^{t} 320 poles thence S^{o} 20 E^{t} 320 poles thence N^{o} 70 E^{t} 320 poles thence to the Beginning which according to the Original marked Trees are the true Courses he has made it thus Beginning at a Hickory about three Quarters of a Mile below the mouth of little River and thence run N^{o} 80 W^{t} 320 Pole to a pine thence S^{o} 10 E^{t} 320 pole to a pine thence S^{o} 80 E^{t} 320 pole to a Gum thence to the first Station Whereby the Petitioner holds little or no Land humbly praying to be relieved in the premises. Whereupon it is Ordered that the Deputy Surveyor run out the same agreeable to the first marked Trees; and that he return a plat thereof upon Oath of his Board at the next Sitting.

Read the following Petitions for Grants for Patents Viz^{t}

John Clark for 150 in Craven, William Blunt 200 Bladen, John Fitzgerald 200 D^{o}, John Coupland 150 D^{o}, Jacob M^{c}Clendon 300 D^{o}, Joel M^{c}Clendon 300 D^{o}, David Smith 200 D^{o}, James Herbert 640 Johnston, Stevans Goold 500 Onslow, James Rhodes 200 Johnston, John Taylor 300 D^{o}, John Tison 350 Bladen Granted

Samuel Willis 300 Craven, Charles Hopton 100 D^{o}, D^{o} D^{o} 150 D^{o}, John Grigg 100 Bladen Granted

At a Council held at New Bern 1st October 1748

Present His Excellency the Governor

The Hon^{ble} { Nath Rice, Robert Halton, Edw^{d} Moseley, Will Forbes } Esq^{rs} Members of Council

Read sundry Petitions for Warrants for Land Viz^{t}

Thomas Farmer 640 Johnston, Thomas Hughs 100 Johnston, Henry Philips 80 Bladen, Ditto 150 Ditto, John Abbet 100 Craven, Jn^{o} Roe 560 Johnston Granted

James Blount King of the Tuskarora Nation exhibited a Petition to this Board in behalf of himself and People which being read his Excellency was pleased to recommend the Consideration thereof to the Council who having considered the same, are of Opinion that the said Petition ought to be laid before the General Assembly

Ordered that the same be laid before the General Assembly Accordingly.

The Council Adjourned till 3 ^{o}Clock Afternoon

The Council met according to Adjournment Present as before and Roger Moore Esq^{r}

Upon the Information of Benjamin Wheatley Esq^{r} to this Board that certain men named Samuel Tucker, George Young, and Richard Peter, Sailors belonging to a Vessel lying at Brunswick in the River of Cape Fear at the Time of the late Invasion of that place had illegaly taken away Sundry Goods, to wit one pair Silver Shoe buckles and a Gold Locket as part of the plunder before any dividend was made thereof among those who were concerned in that Action when the Enemys Vessel was blown up.

His Excellency was pleased by Advice of the Council to Order That the part of the Plunder aforementioned be lodged in the hands of untill all the Plunder shall be brought or gathered together in Order that a Dividend may be made thereof among those concerned in the Action. And it is further Ordered that the Saliors aforementioned if they will return to Brunswick and make it appear they were concerned in the

Action, that they shall be Intitled to a share of the Booty; or if they chuse to proceed on their Journey to Virginia that then they be paid the sum of out of the plunder aforesaid taken from them towards bearing their Travelling Charges thither

At a Council held at New Bern 3rd October 1748

Present His Excellency the Governour

The Hon^ble { Nath Rice, Rob^t Halton, Math Rowan; Edw^d Moseley, Roger Moore, Will Forbes } Esq^rs Members of Council

Read the following Petitions for Warrants for Land Viz^t

Moses Tilmans for 500 acres Johnston county, James McMamus 300 Bladen, D° D° 640 D°, George Bell 200 Carteret, John Fonvielle 100 New Hanover, Peter Debush 200 D°, Harris Clark 200 Craven, John Lee 400 Johnston, Anthony Arnol 200 D°, William Collins 350 D°, Henry Carnady 200 D°, Andrew Bass 400 Johnston, Samuel Thomas 200 D°, Philip Mew 100 Craven, William Henderson 640 Johnston, Walter Murrey 640 D°, John Elcby 100 Bladen, Thomas Holmes 150 D°, John Temple 200 Johnston, Edward Frisby 300 Bladen, Burling Hamrod 300 D°, John Windows 100 Johnston, Thomas M°Clendon 640 D°, Thomas Saucer 150 D°, Abraham Boyd 100 D°, William Atkins 150 Bladen, Thomas Temple 200 Johnston, John Pursley 200 Bladen, Simon Burney 100 Beaufort, James Baker 300 D°, Nesbie Mills 200 D°, Patrick Whit 1000 Hyde, Isaac Buett 200 Beaufort, John Peters 300 Craven. Granted

Read Sundry Petitions for Grants for patents as follows Viz^t

Alexander Blackshire 100 Craven, Abraham Warren 100 D°, Abraham Colson 150 Bladen, William Devis 265 Hyde. Granted

At a Council held at Newbern 4th October 1748

Present His Excellency the Governour

The Hon^ble { Nath Rice, Robert Halton, Math Rowan; Edw^d Moseley, Roger Moore, Will Forbes } Esq^rs Members of Council

Read Sundry Petitions for Warrants for Lands as follows Viz^t

John Irons 300 Johnston, Horatio Woodhouse 330 Onslow, William Cole 200 Johnston, Henry Walker 200 Bladen, John Williams 200 D°, Martin Trentham 200 D°, D° 100 D°, Thomas Armstrong 200 D°, Thomas Brooks 100 Johnston, Walthern Smith 250 Craven, John Clark 400 Bladen, James Clark 200 New Hanover, John Clark 200 Bladen, Jno Williams 300 Beaufort, Jacob Taylor 200 Craven, William Peters 200 D°, Edward Salter 1000 Beaufort, D° 400 D°, Thomas Jones 400 Johnston, Joseph Everitt 200 D°, William Teague 200 New Hanover, James Barber 150 Johnston, William Teague 200 D°. Granted.

Read the following Petitions for Grants for Patents Viz^{t}

James Willis 200 Craven, Joseph Carruthers 100 Johnston, Edward Franck 532 Craven, William Marchmant 200 Onslow, Richard Caswell Junior 85 Johnston, D^{o} 200 D^{o}, John Rous 50 D^{o}. Granted.

Robert Courtney by his Attorney exhibited a Patent for One hundred and fifty Acres in Onslow County shewing certain Errors therein desiring the same may be amended Viz^{t} *Nuce river* altered to *New River* and to make the beginning of the Survey at a pine which had been omitted, and to fill up the Courses by adding at the end thereof thence to the first Station. Which was granted And Ordered that the record be altered accordingly

Read the Petition of Edmund Cullen Setting forth that he is in possession of a Tract of six hundred and forty Acres granted by the late Lords Proprietors unto Richard Graves of whom Bryan Cullen the Petitioners Father Purchased situate in Craven County on the South shore called Coat's Entry And conceiving there is more Land contained within the Courses and Distances of the said Patent than the same specifies, humbly prays a Resurvey. Granted and Ordered that the Surveyor General do cause a Resurvey of the same to be made, and a return thereof to make to this Board.

Read the Petition of Thomas Graves shewing that he is in Possession of a Tract of six hundred and forty Acres granted by the late Lords Proprietors unto Richard Graves the petitioners Father situate on the south side of Neuse called the Ferry van and in Order to ascertain the Lines thereof he humbly prays a Resurvey Granted and Ordered that the Surveyor General do cause a resurvey to be made of the said Lands, and make return thereof to this Board.

Read the Petition of Mary Perkins Setting forth that an Order which she obtained at a former Council for resurveying the Courses and distances of a patent bearing date the 10th day of March 1740 for three hundred and seventy five Acres situate in Beaufort County, is duly complyed with returned in the proper Office which demonstrates certain Error in the said patent and plat committed by the surveyor who having on the third Course laid down in the plat taken his departure from the N^{o} end of the Needle instead of the S^{o} the survey [ran] into the Land of John Boyd, which he holds by an ancient Patent and persisting in such mistake in the two next Courses has entirely left out the Petitioners plantation and run into Land belonging to John Brock, And that the whole of his return which should comprehend three hundred and seventy-five Acres as aforesaid contains only eighty. The Petitioner humbly prays that the patent and record thereof may be amended agreeable to the return now made

into the Secretary's Office and that the Rent Roll may be altered from 375 Acres to 256 which is or that is to be found without the adjoining tracts.

Ordered that a new Patent issue to the said Mary Perkins in consequence of the return now made and that the same bear equal date with the former Grant.

Upon the Contest in Council between Thomas Mason and John Tuly, 'tis Ordered that the said Masons Warrant be Surveyed.

At a Council held at New Bern 5th October 1748.

Present His Excellency the Governour

The Hon^{ble} { Nath Rice, Rob^{t} Halton, Math Rowan; Edw^{d} Moseley, Roger Moore, Will Forbes } Esq^{rs} Members of Council

Read the following petitions for Warrants for Land Viz^{t}

William Browns for 200 acres in Bladen County, George Clements 100 D^{o}, John Gillet 100 Craven, John Dunn 100 Bladen, John Grooms 200 D^{o}, John Davis 640 D^{o}, Thomas Suggs 500 New Hanover, Michael Nixon 100 New Hanover, Richard Caswell 200 Johnston, Thomas Turnhill 800 Bladen, Richard Stevens 500 Onslow, James Clayton 200 Hyde, George Bruton 200 Johnston, Mathew Rowan Esq^{r} 400 Bladen. Granted

Read the following Petitions for Grants for Patents Viz^{t}

Nicholas Smith 400 Bladen, Stephen Howard 300 Onslow. Granted

At a Council held at New Bern 6th October 1748

Present His Excellency the Governour

The Hon^{ble} { Nath Rice, Rob^{t} Halton, Math Rowan; Edw^{d} Moseley, Roger Moore, Will Forbes } Esq^{rs} Members of Council

Read the following Petitions for Warrants for Land Viz^{t}

John Pain 200 Craven, Benjamin Moore 250 Bladen, John Green Senior 300 D^{o}, Greshom Benbow 200 D^{o}, George Brown 150 D^{o}, William Bartram 150 D^{o}, Silvanus Soul 300 D^{o}, Joseph Herring 300 Johnston, John Atkinson 100 D^{o}, George Cogdale 200 Carteret, Thomas Austin 500 D^{o}. Granted

Read Sundry Petitions for Grants for Patents as follows Viz^{t}

George Cubbages for 200 Bladen, D^{o} 100 D^{o}, George Brinn Harris 461 Craven, Thomas Holmes 200 Bladen, William Teague 100 Johnston, John Berry 200 Bladen, Edward Outlaw 200 New Hanover, Abraham Taylor 100 Johnston, John Hawkins 200 Craven, Jonathan Taylor 200 New Hanover, Arthur Blackman 150 D^{o}, Solomon Beasley 150 Craven, Richard Foscue 100 D^{o}, Joseph Taylor 300 Johnston. Granted

At a Council held at Newbern 8th October 1748

Present His Excellency the Governour

The Hon^ble { Nath Rice, Edw^d Moseley, Rob^t Halton, Roger Moore, Math Rowan, Will Forbes } Esq^rs Members of Council

Read Sundry Petitions for Warrants for Land as follows Viz^t

William Ric's 300 New Hanover, Frederick Isler 400 Craven, John Gatlin 100 Craven, Nathan Smith 250 D°, Jacob Hanshey 200 New Hanover, Thomas Dudley 400 Carteret. Granted.

Mr. Lovet exhibited in Council a Patent in the name of Robert Jermain and Thomas Smith for three hundred Acres of Land in Craven County dated the first day of July 1738 praying in regard the same being much torn and rendered unintelligible another patent may be made out to the Patentees agreeable to the Record thereof, which was Granted and Ordered that the Secretary make a Transcript of the said Patent from the Record accordingly.

His Excellency was pleased to ask the advice of the Council whether it would not be proper in all Commissions to be issued for the future for keeping the peace in the several Counties of this Government to insert in all such Commissions the names of the Qualified Members of his Majesty's Council who shall have power to act as Justices in the said Counties without further Qualification.

The Council were of Opinion that it is proper the same should be observed for the future.

His Excellency the Governour was pleased by and with the Advice and Consent of his Majestys Council to order a new Commission of the Peace and Dedimus to issue for Pasquotank County Constituting and appointing William Gregory, Charles Sawyer, Cornelius Reelfe, Samuel Highe, Thomas Relfe, Robert Murden, Isaac Stockley, Thomas Grandy, Solomon Pool, Henry Pendleton, John Jones Junior, William Davis Junior Esq^rs Justices of the peace for and within the said County.

Ordered that a Dedimus issue directed to the Justices of Johnston County to Qualify John Wade Esq^r a Justice of the peace for the said County.

At a Council held at New Bern 10th October 1748

Present His Excellency the Governour

The Hon^ble { Nath Rice, Robert Halton, Edw^d Moseley, Roger Moore and Will Forbes } Esq^rs Members of Council

Read the following Petitions for Grants for Patents Viz^t

Moses Tilmans 500 Johnston, John Page 300 D°, Thomas Coor 300 D° Granted

At a Council held at New Bern 11th October 1748

Present His Excellency the Governour

The Honble { Nath Rice, Edwd Moseley, Roger Moore, Will Forbes } Esqrs Members of Council

Read the following petitions for Warrants for Land Vizt

John Nelson 156 Carteret, John Bush 200 New Hanover, Abraham Boyd 300 Bladen Granted.

Read the following petitions for Grants for Patents Vizt

Jacob Paul 20 Bladen, Do 300 Do, William Isler 100 Craven, Bryan Ward 300 Bladen, Jasper Alday 80 Johnston, Joel Lashley 120 Craven, Robert Savage 300 Do, George McKeen 250 Carteret, Francis Stringer 300 Craven, William Mackintosh 200 Johnston, Thomas Armstrong 400 Bladen, Robert Nicholson 150 Johnston, Thomas Tarmer 200 Do, John Dees 100 Do, George Miller 100 Craven, Edward Ward Junior 200 Onslow, William Beasley 200 Craven Granted

Read the following Petitions for Grants for Patents Vizt

Joseph Bryan 200 Craven, Abraham Boyd 350 Onslow, James Johnston 200 Carteret, William Hinton 100 Craven, Thomas Lewis 50 Carteret, Joseph Pitman 100 Craven, William Shepard Foster 300 Do, William McDead 200 New Hanover, John Rue 200 Craven, William Whitehurst 350 Carteret, Hardy Hinton 300 Craven Granted

Read the following Petitions for Grants for Patents Vizt

Thomas Lewis for 100 Carteret, William Powell 200 Johnston, Henry Oberry 300 Bladen, Do 300 Do, John Lambert 300 Craven, Samuel Rawlins 200 Johnston, Do 200 Do, John Rogers 200 Craven, Henry Oberry 600 Bladen Granted

Read the Petition of John Blackman shewing certain errors in his Plot and patent, praying the same may be amended (that is to say) the second course N° 45 West to be Altered to N° 45 East and the last course S° 45 East to be made S° 45 West, Which was Granted and Ordered that the Plot, Patent and Record thereof be altered accordingly

At a Council held at New Bern 12th October 1748

Present His Excellency the Governour

The Honble { Nath Rice, Edward Moseley, Roger Moore, Will Forbes } Esqrs Members of Council

Read Sundry Petitions for Warrants for Land Vizt

John Penders 100 Onslow, Joseph Bows 100 Craven Granted

At a Council held at New Bern 14th October 1748

Present His Excellency the Governour

The Hon^ble { Nath Rice, Rob^t Halton, Edw^d Moseley; Roger Moor and Will Forbes } Esq^rs Members of Council

Read the following Petitions for Warrants for Land Viz^t

John Atkinsons 100 Johnston, Gibson Martin 200 D^o, Mark Driggers 100 Craven Granted

Read the petitions for Grants for Patents Viz^t

Jacob Reasonover 150 Craven, Mathias Camp 300 D^o, Greshom Benbow 200 Bladen, John Fonvielle 100 New Hanover, Jno Giles 160 Craven, Francis M^cClendon 600 D^o Granted

Read the Petition of Peter Cliff setting forth that at the last Council an Order passed directing the Surveyor General to return a Plot into the Secretarys Office in Consequence of a Warrant which the petitioner obtained for three hundred Acres of Land situate in New Hanover County on Smiths Creek, Surveyed by the late William Gray Deputy Surveyor But such plot not being yet returned He humbly prays a Resurvey on the said Land; which is Granted and Ordered that the Surveyor General cause a resurvey to be made thereof and make a report of his Doings to this Board

A Proprietors patent for 588 Acres of Land in Bertie Precinct to John and James Swain was Exhibited in Council and Alteration in the same prayed that is to say that the Course West 420 in the same being erroneous might be altered to East which was Granted and done in Council and Ordered that the record be made agreeable to the patent so rectified

Read the Petition of John Howard of Onslow County setting forth that he obtained his Excellencys Warrant for six Hundred and forty Acres of Land including his plantation and Improvements which has been duly surveyed and returned into the proper Office. And in Consequence whereof he has obtained a Grant but that the Deputy Surveyor thro Ignorance in laying of the same has left out the Petitioners Plantation House and Improvements and run the Survey into Lands adjoining belonging to other persons to compleat the Complement aforementioned thro' which means the petitioner has but very little if any Land left him tho he has paid Quit rents for the aforesaid six hundred and forty Acres for several years last past

Wherefore he humbly prays that an Order may pass directed to the Surveyor General to Survey the Premises Granted and Ordered that the Surveyor General cause the same to be surveyed and laid off accordingly and return a plot thereof to this Board

His Excellency the Governour was pleased to recommend it to the consideration of the Council whether instead of New-Bern the present Seate of Government, it would not be more Eligible to make and Establish the same upon Trent river the publick Buildings not being yet erected at New Bern pursuant to Act of Assembly in regard of the known unhealthiness of the former place from the badness of the water and other Causes, And the want of proper Accomodations in the said Town.

The Council having considered of his Excellency's Motion were of Opinion that there was sufficient Reason for removing the Seat of Government, and that Trent river would be a proper place whereon to fix the same; and that when a particular place has been pitched on a Bill should be brought in for that purpose.

And then his Excellency was pleased to name Roger Moore and William Forbes Esq[rs] as Commissioners for viewing the West side of the said River, in Order to find out a convenient spot for the Seate of Government and to make Report of their Doings therein at the next Council.

At a Council held at New Bern 15[th] October 1748

Present His Excellency the Governor

The Hon[ble] { Nath Rice, Rob[t] Halton, Edw[d] Moseley } { Roger Moor and Will Forbes } Esq[rs] Members of Council

Read the following Petitions for Warrants for Land Viz[t]

Francis Bentons 300 Johnston, William Belks 100 D[o], William Arrendal 100 D[o] Granted

Read the Petition of Samuel Pacy for a Grant for three hundred Acres of Land in Craven County Granted

By Order JNO RICE, C. C.

[B. P. R. O. North Carolina. B. T. No. 26.]

LEGISLATIVE JOURNALS.

North Carolina

At an Assembly begun and held at Newbern the fifteenth day of March in the year of our Lord one thousand seven hundred and forty seven, [1748] in the twenty first year of his Majesties reign &c. and continued by several Prorogations, and Adjournments, untill the eighteenth day of this instant.

Friday March the 18th The House met

Present.

The Honble { Robert Halton Edward Moseley / Eleazar Allen Wm Forbes / Mathew Rowan } Esqrs Members

The House met, & adjourned until to morrow morning 9 of the clock.

The House met according to Adjournment.

Present

The Honble { Robert Halton Edward Moseley / Eleazer Allen William Forbes / Mathew Rowan } Esqrs Members.

His Excellency came to the House, and sent a mandate to the Lower House ordering their immediate attendance. Whereupon the Speaker attended by the House waited upon his Excellency in the Council Chamber and made the following Speech, (viz.)

GENTLEMEN OF HIS MAJties COUNCIL, MR. SPEAKER, & GENTn OF THE HOUSE OF BURGESSES.

You are now assembled in order to take into your serious consideration the circumstances of your Country, which indeed are very melancholy and deplorable; besides the calamities, which constantly attend a state of war, and which we suffer in common, with the rest of his Majesties Subjects, there are many peculiar distresses and hardships, we labour under which call for a speedy and immediate redress; It is for this purpose Gentlemen, I have now called you together; it would be a shamefull wasting of your Time, if I should pretend to enter into a particular detail of our misfortunes, I have, too often, had occasion to mention them at great lengths, to former Assemblies, and now they are too plainly seen, and sensibly felt by everybody, that it would be multiplying words in vain to enter into a minute discustion of them; all therefore I shall do at this time, is to assure you, and I can do it with great truth, and sincerity, that I now meet you with a mind fully bent with inclinations heartily determined to concur with you, in every measure, that may relieve the people in their present unhappy condition, and shall pay the greatest regard to your advice and council, in all my actions. GAB: JOHNSTON.

Mr. Starkey & Mr. Swan Brought up the following messages viz.

We have appointed Mr. John Starkey, Mr. John Swann, Mr. Francis Stringer, Mr. John Carruthers and Mr. Rufus Marsden a Committee to examine, state and settle the publick accounts. And Mr. Thomas Low-

ther, Mr. Benjamin Peyton, Mr. John Haywood, Mr. John Sampson and Mr. William Eaton, on the publick claims, in conjunction, with those of his Majestie's Council, whom your House shall appoint for the same purpose. Whereupon the House upon reading the same, thought proper to send the following Message.

Mr. Speaker.

In answer to your Message, this House have appointed the following Members as Committees to join those of yours, on accounts, and claims.

Eleazar Allen, Edward Moseley, Esq[rs] on the Accounts.

Mathew Rowan, William Forbes, Esq[rs] on the Claims.

And are ready to proceed on business.

M[r] Swann & M[r] Sampson Brought up a Bill for an Act for granting unto his Majesty the sum of Proclamation money for, and towards building fortifications in this Province, and for stamping and emitting the sum of twenty one thousand, three hundred and fifty pounds Publick Bills of Credit of North Carolina, at the rate of Proclamation money, for payment thereof, and for exchanging the present Bills of Credit, and for payment of the publick debts of this Province, and for defraying the contingent charges of Government.

M[r] Sinclare & M[r] Starkey Brought up the following Bill for an Act to provide indifferent jurymen in all cases, both civil, and criminal, and for an allowance for their attendance. In the General Assembly read the first time and past.

Then the House was pleased to order the Bill for an Act for granting to his Majesty the sum of Proclamation money, for, and towards building fortifications in this Province, and for stamping & emitting &c. to be read, which accordingly was, & past the first time.

Also the Bill for an Act to provide indifferent jurymen &c. Read the first time and passed.

Then the House adjourned until to morrow morning 9 of the clock.

Saturday the 19[th] The House met according to Adjournment.

Present

The hon[ble] { Robert Halton, Edward Moseley, Eleazer Allen, William Forbes, Mathew Rowan } Esq[rs] Members

The House adjourned untill 3 of the clock in the afternoon

The House met according to Adjournment

Present.

The hon^{ble} { Robert Halton, Edward Moseley, Eleazar Allen, William Forbes, Mathew Rowan } Esq^{rs} Members

M^{r} Starkey and M^{r} Peyton Brought up a Bill for an Act, for regulating the several Officers Fees within this Province, and ascertaining the method of paying the same.

Also a Bill, for an Act for destroying of Vermin, within this Province. In the Lower House read the first time, and past.

Then the House adjourned to Monday morning 9 of the clock

Monday 21st The House met according to Adjournment.

Present

The hon^{ble} { Robert Halton, Edward Moseley, Eleazar Allen, William Forbes, Math: Rowan } Esq^{rs} Members.

Then the House ordered the Bill for an Act for destroying of Vermin to be read. Which accordingly was & past the first time with Amendments

Also the Fee Bill, read the first time and past.

Then the House adjourned untill 3 of the clock in the afternoon

The House met according to Adjournment.

Present

The hon^{ble} { Robert Halton, Edward Moseley, Eleazar Allen, William Forbes, Math: Rowan } Esq^{rs} Members.

And adjourned untill to morrow morning 9 of the clock.

Tuesday 22nd The House met according to adjournment.

Present

The hon^{ble} { Robert Halton, Edward Moseley, Eleazar Allen, William Forbes, Math: Rowan } Esq^{rs} Members.

M^{r} Starkey & M^{r} Carruthers Brought up the two following Bills (viz.)

The Bill for an Act to provide indifferent jurymen, the Vermin Bill In the Lower House read the second time, and past with Amendment.

In this House Read the Vermin Bill the second time and past with an Amendment.

Then the House adjourned until 3 of the clock in the afternoon.

The House met according to Adjournment.

Present

The hon^{ble} { Robert Halton, Edward Moseley, Eleazar Allen, William Forbes, Math: Rowan } Esq^{rs} Members

And adjourned until to morrow 9 of the clock.

Wednesday 23^{d} The House met according to Adjournment

Present

The hon^{ble} { Robert Halton, Edward Moseley, Eleazar Allen, Roger Moore, Mathew Rowan, William Forbes } Esq^{rs} Members.

Mr. Sampson & Mr. Smith Brought up a Bill for an Act to prevent the exportation of raw hides, pieces of hides, and Calfskins out of this Government. In the Lower House read the first time and past. In this House read and passed.

Then the House adjourned until 3 of the clock in the afternoon.

The House met according to Adjournment.

Present

The hon^{ble} { Robert Halton, Edward Moseley, Eleazar Allen, William Forbes, Mathew Rowan } Esq^{rs} Members.

Mr. Sampson & Mr. Makilwean Brought up the following Bills (viz.) The Currency Bill & the Bill for payment of Officers Fees. In the Lower House read the second time and past.

Then the House adjourned until to morrow morning 9 of the clock.

Thursday March 24th The House met according to Adjournment.

Present

The hon^{ble} { Robert Halton, Edward Moseley, Eleazar Allen, Roger Moore, Math: Rowan, William Forbes } Esq^{rs} Members.

Mr. Sinclare & Mr. Jones Brought up the Vermin Bill In the Lower House read the third time and passed with Amendments.

The House on reading the Currency Bill were pleased to send the following message

Mr. Speaker & Gentlemen,

On reading the Currency Bill, we find the taxes, for sinking the Bills are to be paid in certain commodities, which method, we are unanimously of opinion can be of no manner of service in the discharge of said taxes, and may be a detriment to the Currency as they are rated, the reasons for it, we think, are very plain, (viz) if the commodities are rated very low, they are useless in the Bill, and if high as some of them are, they will

endanger the credit of the Bills. We therefore think they ought to be struck out; and hope when you reconsider this matter, you will join with us as we don't see any other material objection to the Bill at present.

Mr. Haywood & Mr. Howel Brought up a Bill, for an Act, to appoint Commissioners, to continue running the boundary line, between Edgcomb County, Tyrrel, and part of Beaufort County. In the Lower House read the first time, and past.

Mr. John Swann, Brought up the message sent down to the Lower House, regarding the Currency Bill, concurred with.

Then the House adjourned until three of the clock in the afternoon.

The House met according to Adjournment.

Present.

The hon^{ble}	Robert Halton	Edward Moseley	Esq^{rs} Members.
	Eleazar Allen	Roger Moore	
	Mathew Rowan	William Forbes	

Then the House took under their consideration, the Currency Bill, and after making several amendments therein, put the same to the House which passed the second time.

Then the House adjourned until to morrow morning 9 o' the clock

Fryday 25th The House met according to Adjournment.

Present

The hon^{ble}	Robert Halton	Edward Moseley	Esq^{rs} Members.
	Eleazar Allen	Roger Moore	
	Mathew Rowan	William Forbes	

Mr. Eaton & Mr. Jones Brought up a Bill, for an Act for laying a tax on the inhabitants of Granville County; and for appointing Commissioners, to compleat and finish the publick buildings already begun in the said County In the General Assembly read the first time, and past.

Mr. Bell and Mr. Howell Brought up the Bill, for an Act, to prevent the exportation of raw hides &c. In the General Assembly read the second time, and passed with Amendments.

Mr. Swann & Mr. Sinclare Brought up a Bill for an Act intituled an Act to appoint publick Treasurers with whom the Sheriffs of the several and respective Counties, within this Province and all others concerned in the receipt of any publick monais raised, or to be raised shall account, and to compel all such other persons, who have any publick money in their hands to account with, and pay the same to the said Treasurers. In the General Assembly read the first time, and passed.

Then the House adjourned until 3 of the clock in the afternoon.

The House met according to Adjournment.

Present

The hon^ble { Robert Halton, Edward Moseley, Eleazar Allen, Roger Moore, Mathew Rowan, William Forbes } Esq^rs Members.

And adjourned until to morrow morning 9 o' the clock.

Saturday 26^th The House met according to adjournment.

Present

The hon^ble { Robert Halton, Edward Moseley, Eleazar Allen, Roger Moor, Mathew Rowan, William Forbes } Esq^rs Members.

Read the Bill, for an Act, for appointing publick Treasurers in this Province. The first time, and passed

The Bill for an Act, for running the boundary line, between Edgcomb County, Tyrrel and part of Beaufort County, Read the first time and past.

The Bill, for an Act, for laying a tax on the inhabitants of Granville County, Read the first time, and past.

The Bill, for an Act to prevent the exportation of raw Hides, read the first time and past.

Then the House adjourned until 3 of the clock in the afternoon.

The House met according to Adjournment.

Present

The Hon^ble { Robert Halton, Edward Moseley, Eleazar Allen, Roger Moore, Mathew Rowan, William Forbes } Esq^rs Members.

And adjourned until Monday morning 9 o' the clock.

Monday 28^th The House met according to adjournment.

Present

The hon^ble { Nathaniel Rice, Edward Moseley, Robert Halton, Roger Moore, Eleazar Allen, William Forbes, Mathew Rowan } Esq^rs Members.

Mr. Eaton and Mr. Jones Brought up the following Bills (viz.)

The Bill for an Act, for laying a tax on the inhabitants of Granville, &c. The Bill for an Act, for continuing the running the boundary line between Edgcomb County & Tyrrel &c. In the General Assembly, read the second time, and past with Amendments.

Mr. Sinclare & Mr. Swann Brought up the Bill for an Act for prohibiting the exportation of raw hides &c. In the General Assembly read the third time, and past with Amendments.

Mr. Eaton & Mr. Haywood, Brought up the Bill for an Act, for appointing publick Treasurers, to call sundry persons, who are indebted to the Publick, to account. In the General Assembly read the second time and past.

The Bill for an Act for laying a tax on the inhabitants of Granville &c Read the second time and past.

The House on reading the Bill for an Act for prohibiting the exportation of raw hides &c the third time thought proper to send the following message upon an amendment made by this board (viz.)

Mr Speaker and Gentlemen,

In the Bill to prevent the exportation of hides untanned, there is a proviso to exempt the Master from the forfeiture (in case he takes an oath) that the hides found were put on board without his privity or procurement: to which, we are of opinion, it would be proper to add these words (viz.) but the same be paid by the person who has put the same on board.

As this is to be the third time of reading in our House, if you concur with this our proposed amendment, we shall send you that Bill, marked with a third reading.

The above message sent back from the Lower House concurred with.

The above Bill indorsed, read the third time and ordered to be sent down, and engrossed.

Then the House adjourned until 3 of the clock in the afternoon.

The House met according to Adjournment.

Present

The hon^ble { Nathaniel Rice, Edward Moseley, Robert Halton, Roger Moore, Eleazar Allen, William Forbes, Mathew Rowan } Esq^rs Members.

Mr. Eaton and Mr. Swann brought up the Bill for an Act for laying a tax on the inhabitants of Granvile &c. In the General Assembly read the third time and past with Amendments.

The Bill for an Act for destroying of Vermin. Read the third time and sent down to be engrossed.

The Bill for an Act for regulating the several Officer's fees &c. In this House read the second time, and past with Amendments.

Then the House adjourned until tomorrow morning 9 o' the clock.

Tuesday March 29th The House met according to Adjournment.

Present

The hon^ble { Nathaniel Rice, Edward Moseley, Robert Halton, Roger Moore, Eleazar Allen, William Forbes, Mathew Rowan } Esq^rs Members.

The House ordered the Bill for an Act for appointing Jurymen &c. to be read, which accordingly was, and after making several amendments therein past the same a second time.

The Act for continuing the running the boundary line of Edgcomb County, and Tyrrel &c read the second time and past.

The Treasurers Bill read the second time and past with Amendments.

Then the House adjourned until 3 o' the clock in the afternoon.

The House met according to Adjournment.

Present

The hon^ble { Nathaniel Rice, Edward Moseley, Robert Halton, Roger Moore, Mathew Rowan, William Forbes } Esq^rs Members.

Mr. Haywood and Mr. Howel brought up the Bill for an Act for running the boundary line between Edgcomb County and Tyrrel &c. In the General Assembly read the third time and past.

Mr. Swann and Mr. Sampson brought up the Bill for an Act for regulating Officers fees. In the General Assembly read the third time and past with Amendments.

The Bill for an Act for laying a further tax on the inhabitants of Granvile County, read the third time and past, Ordered to be sent down and engrossed.

Then the House adjourned until to morrow morning 9 o' the clock.

Wednesday 30th The House met according to Adjournment

Present

The hon^ble { Nathaniel Rice, Edward Moseley, Robert Halton, Roger Moore, Eleazer Allen, William Forbes, Mathew Rowan } Esq^rs Members.

Mr. Sinclare and Mr. Swann brought up the Jury Bill. In the General Assembly read the third time and past with Amendments

Read the Bill, for an Act, for to continue running the boundary line between Edgcomb County, and Tyrrel County &c. the third time and past, ordered the same to be sent down, and engrossed which accordingly was.

Also the Bill for an Act for providing indifferent Jurymen, read the third time, and past, and ordered to be sent down and engrossed.

Mr. Eaton & Mr. Sinclare Brought up the Treasurers Bill In the General Assembly, read the third time, and passed with Amendments.

Upon reading the Bill for ascertaining the several Officers fees within this Province, The board was pleased to send the following message (viz.)

Mr. Speaker & Gentlemen

The fee Bill being now with us for a third reading, We think proper to add these fees. (viz.) to the Governour for dismission of every Bill, where the cause don't come to tryal, and final hearing, twenty shillings. To the Clerk of the General Court of Assize &c for certificate of each Juror's attendance, six pence. To the Clerks of the County Courts, for all services for the County, for which no fees are provided ℔ annum thirteen shillings, and four pence. To the several Clerks, four pence ℔ copy sheet instead of three pence.

We are of opinion to add the title of the aid Act to the Proviso, for discharging body, or goods in execution (viz.) An Act for granting an aid to his Majesty to defray the expences of &c.

We are also of opinion, that in the naval Officer's fees and Collectors there should be no distinction made as to tonnage of vessells but that all those fees should be incerted at one pound ten shillings.

The honourable Mathew Rowan Esq^re^ one of the Members of this board moved to bring in a Bill, for an Act to enlarge the time for the Commissioners of the roads &c. Which was accordingly agreed to, and read the first time and past.

Mr. Starkey and Mr. Swann Brought the following message, in answer to the message of this House, upon the proposed amendment of this House in the Fee Bill (viz.)

Gentlemen of His Maj^tie's^ Council,

We concur with your honours, in all the amendments you propose in your message of this day, except that relating to the Collectors, and naval Officer's fees, which this House are satisfied are rated larger on the Vessells, under one hundred tons, than have been heretofore allowed, by any Law of this Province, for any Vessells whatsoever, therefore cannot concur with you, on any amendment in those fees; to which this House were pleased to send the following answer.

Mr. Speaker & Gentlemen,

We have received your message of this day, wherein you concur with our amendments to the fee Bill, excepting what relate to the Collector's, and naval Officer's fees; to which you say, you are satisfied,

they are rather larger on vessells under one hundred ton, than have been heretofore allowed, Therefore you cannot concur, we hope you will acquaint us with the reasons That have satisfied you, that we may, no longer, have the appearance of the least disagreement in our sentiments, otherwise we hope you will accede to our proposed amendment.

The Bill for an Act for appointing publick Treasurers &c. read the third time and passed. Ordered to be sent down and engrossed.

The House adjourned until three of the clock in the afternoon.

The House met according to Adjournment.

Present

The hon^{ble}	Nathaniel Rice	Edward Moseley	Esq^{rs} Members
	Robert Halton	Roger Moore	
	Eleazar Allen	William Forbes	
	Mathew Rowan		

Mr. Bartram & Mr. Clark Brought up the Bill, for an Act to enlarge the time for the Commissioners of the roads &c. In the general Assembly read the first time and past As also the following message (viz.)

Gentlemen of His Majesties Council,

We read your message of this date wherein you desire us to acquaint you with the reasons, which we say have satisfied us, that the fees which relate to the Collectors, and Naval Officers, are rather larger on Vessels under one hundred tons, than have heretofore been allowed. We do not think such a message is altogether regular in Parliamentary proceedings, and hope hereafter may not be drawn into president but that you may find we desire nothing more than to keep up a good understanding between the two Houses, and which is absolutely necessary, for the dispatch of publick business, we shall proceed to acquaint you with the reasons, that have satisfied us, on the articles relating to the said Officer's fees by a law in this Province passed in the year 1715 intitled an Act for ascertaining Officer's fees; The Collector's fees for entring and clearing forreign Vessels is but twelve shillings and six pence, and the Governor's fees, which are now the Naval Officer's fees, for entring and clearing forreign Vessels is no more than one pound two shillings and six pence, and the fees for the Naval Officers were again regulated by a subsequent law, it was only to make them payable in current Bills equal to the real value of the money, they were by the first Law to have been paid, in which we presume were silver, as it is directed to pass by the Statute of the sixth of Queen Anne, for ascertaining the rate of forreign coin in America. We doubt not when you have considered the above, and compared the

Bill, as we sent it to you, with the old Fees settled by Law, you will also be satisfied, that the said Fees are rather larger than heretofore settled.

The House on reading the above message, & considering the same, put the Bill to the House, whether the same should pass on the amendments of this House, and agreed to by the Lower House, which accordingly did, and the same was sent down, and ordered to be engrossed.

Then the House adjourned until to morrow morning nine of the clock.

Thursday March 31st The House met according to Adjournment.

Present

The honble { Nathaniel Rice, Edward Moseley, Robert Halton, Roger Moore, Eleazar Allen, William Forbes, Mathew Rowan } Esqrs Members

Read the Bill for an Act for enlarging the time of the Commissioners to call the defaulters upon the roads to account. Read the second time and past.

Then the House adjourned until 3 of the clock in the afternoon.

The House met according to Adjournment.

Present

The honble { Nathaniel Rice, Edward Moseley, Robert Halton, Roger Moore, Eleazer Allen, William Forbes, Mathew Rowan } Esqrs Members

Mr. Marsden & Mr. Sampson Brought up the Bill, for an Act, for enlarging the time of the Commissioners of the roads &c. In the General Assembly read the second time, and past. also the following message (viz).

Gentlemen of His Majtie's Council

We have now the Bill, for an Act for granting to His Majesty the sum of twenty one thousand, three hundred and fifty pounds proclamation money &c. on the third reading in our House; as one part of the money thereby directed to be struck, is for paying off those persons, to whom the Publick is debtor, we think, we ought to make a schedule of the claims, allowed from time to time, at the several Sessions of former Assemblies, and also such as are, or shall be allowed at this Sessions; We therefore desire you will direct your Clerk, to make out an estimate to be sent up from our House to you, for concurrance.

To which this House were pleased to send the following Message (viz.)

MR. SPEAKER & GENTLEMEN,

In answer to your Message of this morning, this House joins with yours in thinking that a schedule of the claims, allowed by former Assemblies is necessary, in order to be included in the currency Bill, as also such as shall be allowed at this Sessions. As the members of this House have no legal claim to make for themselves; we have ordered the Clerk to make out an estimate of such sums only, as are due to him, the several doorkeepers and messengers attending the service of it, and the charges of hiring a Council Chamber &c. All which shall be laid before you to morrow morning.

Read the Bill, for an Act, for impowering the Commissioners of the roads to enlarge the time &c. In this House read the third time & past with Amendments.

Then the House adjourned until to morrow morning 9 o' the clock.

Friday April 1st The House met according to Adjournment.

Present

The hon^ble { Nathaniel Rice, Edward Moseley, Robert Halton, Roger Moore, Mathew Rowan, William Forbes } Esq^rs Members.

Mr. Sampson & Mr. Howel Brought up a Bill for an Act to alter the times of holding the Courts of New Hanover In the general Assembly read the first time and past.

Then the House in pursuance of the Message of this House sent last night ordered the estimate of the Officer's wages, and expences of this House to be sent down which accordingly was.

And adjourned until three o' the Clock in the afternoon.

The House met according to Adjournment.

Present

{ Nathaniel Rice, Edward Moseley, Robert Halton, Roger Moore, Mathew Rowan, William Forbes } Esq^rs Members.

Read the Bill for an Act, to alter the times of holding the Courts for the County of New Hanover, the first time and past.

Mr. Sampson & Mr. Swann Brought up the road act. In the General Assembly read the third time and past.

Also the following message, together with the several estimates of the Publick claims &c.

GENTLEMEN OF HIS MAJESTIE'S COUNCIL,

We herewith send you the estimate of the sums claimed, as due from the Publick, to the several persons therein mentioned, and allowed by

this House, together with a vote of this House to his Excellency of seven hundred and fifty pounds thirteen shillings and four pence, proclamation money for his extraordinary expences, during his administration, also the report of the Committee of Publick accounts, to all which we desire your Honour's concurrence.

To which this House was pleased to send the following answer (viz.)

Mr. Speaker & Gentlemen,

We have received your estimate of wages, and apprehend you have charged the Publick with forty shillings per diem, each days attendance of each respective Member; whereas by the last law for setling of the wages of the Council, and General Assembly, the wages of the latter was but thirty shillings, and tho' the law has been some time expired; we are of opinion, that that regulation ought to be a rule to us, with respect to the wages of either House, till such time, as the wages of either shall be again fixed and ascertained by the Legislature.

Mr. Eaton Brought up the Bill for an Act, to alter the time of the sitting of the County Courts in New Hanover County; in the General Assembly read the second time & past. In this House read & past.

Mr. John Swann brought up the Bill for an Act to alter the time of sitting of the County Courts &c. In the General Assembly read the third time and past, also the following message (viz.)

Gentlemen of His Majestie's Council,

We received your message wherein you say you apprehend that in the estimate of the wages, we have charged the publick with 40 shillings per diem for the attendance of each respective member, and mention as a president That it ought to be less, a former Law that subsisted but a few years at a time, when the Members could be accommodated much cheaper than they have been since, and the reasons that occasioned the passing that Law are still fresh in every one's memory; We judge that forty shillings per diem is but very moderate allowance for the expences of each member, and as the Law you mention is long since expired, we don't see that it ought to be any rule to us, when we are to judge now on what ought to be the reasonable allowance for each member; and have therefore allowed forty shillings for each member as aforesaid; but if your Honours differ in opinion from us we are willing to make the said allowance of each Member of the two Houses, at any sum less, that you may think reasonable allowance, for the expences of the said Members; and desire to confer with you on that subject.

By order. SAMUEL SWANN. Speaker.

Then the House adjourned till to morrow morning 9 o'clock.

Saturday April 2nd The House met according to Adjournment

Present

The hon^ble { Nathaniel Rice, Edward Moseley, Robert Halton, Roger Moore, Mathew Rowan, William Forbes. } Esq^rs Members.

The House on reading the message of the Lower House sent up yesterday were pleased to send the following Message.

M^r Speaker and Gentlemen,

In answer to your message, relating to wages, this House desire you to consider, that the difference between the payment of the Council and Assembly was not ascertained by one Law only, but by two, (viz.) The first passed in the year 1734 and the latter in the year 1739 As those Laws are expired, it is the opinion of this House that if payment were made it ought to be made according to the regulation of those Laws until a new one shall be made; if your House shall concur with us, the estimate may be immediately perfected; otherwise it is the opinion of this House that the Bill pass, without wages being placed in the estimate, rather than the publick business should be retarded.

By order of the Upper House RICHARD LOVETT. Clk.

Mr. John Swann brought up the following message, in answer to the foregoing message

Gentlemen of His Maj^ties Council

We received your message of this day in answer to yours of yesterday wherein you tell us the wages, as you were pleased to call the allowance for the expences of the several Members, was not ascertained by one Law only, but by two, to wit, the first past in the year 1734, the latter in 1739. And as these Laws are expired, it is your opinion if payments are to be made it ought to be according to the regulation of those Laws, till a new one be made as you allow those Laws expired, and we remember the regulation by them made was always complained of by the Country in general we presume the whole is now to be regulated without regard to those Laws, and are ready to concur with you in any regulation, as to what may be thought reasonable allowances ℔ diem, to be paid by the publick, for the expence of each member of the two Houses, and for that purpose was our message of yesterday, wherein we desired a conference with you, of which you are to take no notice.

As to that part of your message relating to passing the Bill without the debt due from the Publick for the expenses and charges of the sev-

eral Assemblies, being placed in the estimate, we cannot concurr with you, as we think it would be inconsistent with the title and nature of the Bill, which is for payment of the Publick debts, a large sum of which is due to the Gentlemen of the Northern parts of the Province for their expenses in travelling and attending at former Assemblies And we think it would be an injustice to those persons when we are passing a Law for the payment of the Publick debts to take no care to reimburse them the great charges and expenses they have been at in attending the Publick service for which they have so just a claim, after having lain so long out of their money.

Mr. Eaton & Mr. Howel Brought up the Bill for an Act, for altering the times for holding the County Courts in New Hanover. In the General Assembly read the third time & past. In this House read and past. Ordered to be sent down and engrossed.

Then the House adjourned until 3 o'clock in the afternoon.

The House met according to Adjournment.

Present

The hon^{ble}	Nathaniel Rice	Edward Moseley	Esq^{rs} Members.
	Robert Halton	Roger Moore	
	Mathew Rowan	William Forbes	

Then this House thought proper to send the following message (viz.)

Mr. Speaker & Gentlemen

Agreable to your message of yesterday wherein you desire a Conference with this House upon the subject of wages, This House have appointed two of their Members, viz. the honourable Nathaniel Rice and Edward Moseley Esq^{rs} to confer with such Members of your House as you shall think fit to appoint on this occasion, which conference we propose may be held at four o'clock this afternoon.

Mr. Eaton & Mr. Starkey Brought up the following Message, in answer to ours regarding a Conference (viz.)

Gentlemen of His Majestie's Council,

Agreable to your second message of this day this House have appointed Mr. Speaker, and Mr. John Swann, to confer with the Members appointed by your House, on the allowance proper to be made for the expenses of the several Members of the two Houses of Assembly at the Conference you propose at four of the clock in the Afternoon, which we presume is intended at the Council Chamber

Whereupon Mr. Speaker and Mr. John Swann attended by the House waited upon this House in the Council Chamber and after their conferring together on the subject matter of the foregoing Messages, withdrew and returned to their House again.

Mr. Haywood Brought up the following message (viz.)

GENTLEMEN OF HIS MAJESTIES COUNCIL

As we apprehend the Session draws near a conclusion, and the Bills received on the tax, for the sinking fund, and paid in to the Committee of publick accounts, ought to be burnt, we desire your House to join ours, to see the same done accordingly this evening at the House of John Carruthers in New Bern.

Whereupon the House were pleased to appoint the Honourable Robert Halton, and Edward Moseley Esq[rs] two of the Members of this Board to join those of the Lower House, on the said Committee.

Then the House adjourned until Monday morning 9 o'clock.

Monday April 4[th] The House met according to Adjournment.

Present

The hon[ble] { Nathaniel Rice, Edward Moseley, Robert Halton, Roger Moore, Mathew Rowan, William Forbes } Esq[rs] Members.

The House upon debating on the Bill for an Act, for the Emission of a Currency, and to build forts &c. Thought proper to send the following message (viz.)

MR. SPEAKER & GENTLEMEN

The Bill for an Emission of Currency to build forts, and pay the Publick debts, having been read in both Houses, we think it proper to confer with you, in some parts thereof in order to expedite the passage. We have appointed Mr. President Rice, and Mr. Moseley to confer with you, and desire your attendance.

Whereupon Mr. Speaker attended by the House, came up to this House, and after having received the sense of this Board returned back, to consult thereon.

Then the House adjourned till 3 o'clock in the afternoon.

The House met according to Adjournment

Present

The hon[ble] { Nathaniel Rice, Edward Moseley, Robert Halton, Roger Moore, Mathew Rowan, William Forbes } Esq[rs] Members.

The House was pleased to send down the estimates of the Lower House, the Report of the Committee of Claims, and the Estimate of this House, concurred with.

Then the House adjourned till to morrow 9 o'clock.

Tuesday April 5th 1748. The House met according to Adjournment.

Present

The hon^ble { Nathaniel Rice, Edward Moseley, Robert Halton, Roger Moore, Mathew Rowan, William Forbes } Esq^rs Members.

The House on perusing the estimate of the claims &c. thought fit to send the following message

Mr. Speaker & Gentlemen,

The Bill for building fortifications &c. being now before us, for our third reading, together with the estimate of the Publick debt refered to by the said Bill We observe that by mistake the allowance for Mr. Richard Lovet Clerk of this House is omitted, we propose that the sum of £118 6^s 8^d Proclamation due to our said clerk may be added to the said Estimate before we send the Bill to you, We also propose that the sum of five pounds, for Mr. Lapierre's sermons before the General Assembly may be encreased to the sum of ten pounds. We also are of opinion that Mrs. Singleton's claim for the House the Council sits in shall be four pounds, to which We desire your Concurrance. The above message sent up concurred with. Whereupon the House were pleased to pass the Bill the third time, and sent down for engrosement.

Then the House adjourned till to morrow morning 9 o'clock.

Wednesday April 6th The House met according to Adjournment

Present

The hon^ble { Nathaniel Rice, Edward Moseley, Robert Halton, Roger Moore, Mathew Rowan, William Forbes } Esq^rs Members.

His Excellency the Governor came to this House, and sent a mandate to the Lower House, commanding their immediate attendance in the Council Chamber. Whereupon the Speaker attended by the whole House, waited on his Excellency and presented him for his assent the following Bills (viz.)

The Money Bill

An Act for continuing the running the boundary line between Edgcomb County, Tyrrel & part of Beaufort County.

An Act to provide indifferent jurymen &c.

An Act to alter the times for holding the Courts for the County of New Hanover.

An Act for laying a tax on the Inhabitants of Granvile County.

An Act to prevent the exportation of raw hides.

An Act for destroying Vermin.

An Act to appoint publick Treasurers.

The Fee Bill.

An Act to enlarge the time for the Commissioners of the roads.

To all which Bills his Excellency was pleased to give his assent. And then made the following speech.

New Bern April 6th 1748.

Gentlemen of His Majestie's Council, Mr. Speaker and Gentlemen of the House of Burgesses.

As the season of the year, and the situation of your Private affairs, call for your presence at your respective Plantations; I have thought proper to put a period to this present sessions; but I can't dismiss you without acquainting you with two observations I have made on your proceedings, which have given me great satisfaction. The first is the great care and tender concern you have expressed for your absent Brethren, who by sly artifices and false insinuations, have been prevailed upon to withhold their advice, and assistance, from the service of their County, in this dangerous and critical juncture. Instead of that aprobious language and hot violent Behaviour with which these mistaken men have been pleased to treat all that differed from their way of thinking. Instead of that revenge and resentment which such provoking usage is naturally apt to excite, what have you done, Why, you have been as tender of all their Interests, been as exact in stating their claims, and procuring satisfaction for them, as they themselves could possibly have been, if they had been present. This Gentlemen is a manly and rational manner of behaving in Persons who act in a Publick Capacity to get the better of all private passions, and be governed entirely by the truth, and reason of the case.

The next remark which gives me great pleasure, and hopes, that we may in time be brought to an equal Footing for order and regularity with our neighbouring Colonies, Is your raising a considerable Tax for every important service, without loading it with any Commodities, This method, Gentlemen has been a dead weight upon all supplies granted for the service of the Publick, ever since I knew the County. It might have been a tolerable one in the infancy of this Colony, when it did not reach beyond the banks of Albemarle sound, but now when it is extended from the further parts of Currituck to the heads of Santee river, to fancy that the Publick in all these places can bring private mens goods to mar-

ket, with as much advantage as their original Proprietors could, is to judge contrary to experience, and contrary to the reason of the thing. Besides the expenses of Warehouses, Inspectors and other things must always render funds collected in this manner deficient, and these deficiencies must be made good by the People at last; so that however fond they may have been of this way, it is certainly contrary to their interest. And here Gentlemen permit me to observe that it is the true interest of the People only which you are to mind, and which is to be the sole and constant Rule of all your actions. As soon as you have taken your Places in your respective houses, you are invested with a sacred trust, you become the guardians of the lives, Properties and Liberties of a free People, and are to consult their real service, according to the best of your knowledge and judgement, without regard to any other consideration whatsoever, and it would be debasing your character in the vilest manner if you would neglect to pursue their real benefit and advantage, from being afraid of encountering their Prejudices and false opinions. You Gentlemen have given a proof that you proceed upon more generous principles, and that you are above acting on such mean sentiments as deter a man from acting according to the dictates of his own mind and conscience. The point that is now gained is alone richly worth all the trouble and expense of this sessions. You have set a noble example and I hope it will be imitated by all succeeding Assemblies. Gentlemen as I design to meet you early in the Autumn, I hope, you will then be prepared to form a good inspection Law, which the Credit of the County so loudly demands at your hands, and likewise to continue the Militia Law, which expires at the latter end of next Sessions. It is the very best Law that ever passed in this Province for that Purpose; but it was impossible to carry it into execution without ruining a great many innocent industrious People, who would have gladly complyed with it, if it had been possible in these hard times, to have procured either the arms or ammunition required by this Act. I have therefore taken care that no man who did not act from a Principle of obstinacy should be brought under any distress on this account. This Gentlemen will I hope convince you effectually of moderation & mildness of the present Administration, & I assure you it would shock me, tho' armed with the authority of any Law, to see the meanest of His Majesties Subjects, who does not stand in contempt, and is willing to pay obedience to the Laws of the County, suffer any hardships, or cruelty, as it possibly could any of you

GAB: JOHNSTON.

Then His Excellency was pleased to prorogue this Assembly to the last Tuesday in September next to be then held at New Bern.

1749.

[B. P. R. O. Am: & W. Ind: Vol. 66.]

My Lord, [Duke of Bedford]

Sometime ago I had the Honour of Your Grace's Commands to Proclaim the cessation of Armes betwixt his Majesty, and the King of Spain and the Republick of Genoa, which I accordingly did in all the Towns of this Province. the Proclamation for a Cessation betwixt Great Britain and France has never yet come to my Hands and indeed this is the only Dispatch I have had from the Office since Your Grace came into it.

I lament it is a great misfortune that I am entirely a stranger to your Grace, especially as I understand by my Correspondents at Home that my Enemies have taken the Liberty to represent me as a Jacobite at all the Offices, they might with equal Justice have accused me of Murder and Felony. For the last seven years before I came abroad I lived almost constantly with the late Lord President Wilmington, and have the Honour to be known for many years by the Earl of Bath, Lord Anson, the Bishop of Worcester and several other Persons of Distinction, in short I have not one Friend Relation or acquaintance in the World who are not firmly attached to the present Royal Family, who can there be in this wild and Barbarous Country that could possibly Tempt me to Abandon every Friend I have in Life and Embrace so Desperate and Profligate a Cause. Thō I have made enquiry since this malicious report has reached me I can't Hear of One Person concerned in the late Rebellion, who has come into this Province and as for turning out the Palatines from their Lands to make room for Rebels If my Adversaries can prove, that I ever turned out one Person whatsoever from his Lands or deprived one man of a shilling of his property from my first coming into the Government to this Day I will allow the truth of all the rest of their spitefull Calumnies.

I hope Your Grace will Pardon me for insisting so long on what relates to my own private Character and Impute it to my Indignation against so Vile an Aspersion

I am with the greatest truth & most profound Respect

Your Grace's most, &c.,

GAB JOHNSTON.

[B. P. R. O. Am: & W. Ind: Vol. 66.]

My Lord, [Duke of Bedford]

I have been Engaged in a very Laborious work for these fifteen years by past, in civilizing a wild Barbarous people and Endeavouring at least to bring them on a par with our Neighbouring Colonies, The reason of my small success is owing to the Inequality of their Representatives in Assembly, when that is Redressed I Hope matters will go smoothly In the meanwhile I have Employed myself in attempting to raise and produce such commodities as Great Brittain Imports from countries of a parallel Latitude, and I can with pleasure Inform your Grace that I have brought wine and Raw Silk to a good Degree of perfection and if I had my arrears paid I Dono^{t} Doubt But to turn the minds of the people of this province pretty universally this way

I am, with great Respect, &c.,

GAB JOHNSTON

[B. P. R. O. North Carolina. B. T. Vol. 11. B. 90.]

Edenton, April 4th 1749.

My Lords, [of the Board of Trade]

I send by the Hands of the Chief Justice a fresh Copy of all the Laws of this Province passed since November 1746, until the 28th of March 1749. There has been four other Laws enacted at an Assembly which is but just now broken up, which I shall transmit by the very first opportunity, one of these last Laws has I hope put an end to all the Difficulties that have hitherto attended the Collection of His Majesty's Quit Rents, which in this Province have been very great, and carried to a tedious length. I hope your Lordships will find upon the whole that more has been done for the Settlement and Prosperity of this Country within this three years, and since the cecessation of the Members for the six Northern Counties then ever has been done before since the foundation of the Colony.

I shall not trouble your Lordships with remarks on any of the Laws, except that one for building fortifications, because it gave rise to the small addition was made to the Paper Currency, and was the unhappy occasion of my being drawn in to Transgress a most plain and express Instruction of his Majesty, by which I am terribly afraid I have incurred his Displeasure and have reason to apprehend I shall be recall'd from the Gov-

ernment, and I assure your Lords^{ps} the first of these makes a much deeper Impression on my mind than the Latter. As I thus frankly confess my guilt I hope your Lordships will indulge me while I trace these things from the beginning in order to sett this Matter in a true Light and Discover the real motive of my Proceedings.

The Province of North Carolina was first settled by People fron Virginia in low circumstances who moved hither for the benefit of a larger and better range for their Stocks, from such a small Beginning it was a great many years before it appeared there was any Increase of Inhabitants sufficient to form a Government the whole number of Taxables in Thirty years time not amounting to one thousand, and those generally dwelt on the North side of Albemarle sound, and composed the four Precincts of Chowan, Perquimons, Pasquotank & Currituck, which Precincts, now called Counties sent each of them five Members to the Assembly, the whole number at that time amounting to those Twenty Members.

The poverty of the first Inhabitants made (for want of a better currency) to Enact in their Assemblies that all Payments whatsoever, might be made in sundry Commodities or Products of the Province a List whereof here follows, agreeable to the Law as it past upon the Revise, Anno: 1715.

	£.	s.	d.
Indian Corn per bushel	—	1	8
Tallow per Pound	—	—	5
Beaver & Otter Skins per Pound	—	2	6
Butter per Pound	—	—	6
Raw buck & Doe Skins per Pound	—	—	9
Feathers per Pound	—	1	4
Pitch per Barrel full gauged	1	—	—
Pork per Barrel	2	5	—
Tobacco per 100 cwt	—	10	—
Wheat per Bushel	—	3	6
Leather tann'd uncurried per pound	—	—	8
Wild Cat Skins per piece	—	1	—
Cheese per Pound	—	—	4
Drest Buck & Doe Skins per Pound	—	2	6
Tarr per Barrel full gauged	—	10	—
Whale Oil per Barrel	1	10	—
Beef per Barrel	1	10	—

This Method has been continued down to this time with very little Alteration to the great Damage of the Revenue it being a stated rule,

that of so many Commodities the worst sort were only paid. Altho' many attempts have been made to remedy the Inconvenience attending such a currency it has always proved fruitless (the People being generally fond of a Law which gave them such Advantages).

By advice of His Majesties Council and all His officers in this Province a Quit Rent Law was passed whereby the abovementioned practise was greatly remedied, for in that Law very few Comodities were allowed to be paid for rents & those at such a Rate as to be near the value of Sterling rather than Proclamation Money. So great an advantage gained for the Crown in this particular as also a sure method of forming an exact Rent Roll, were both lost by the Repeal of that Law before the Rent Roll was formed; objection being made to the valuation of the Paper Currency when in truth the Valuation of it was to be by those officers who were to receive their salaries in that currency.

After this Deduction I must further take notice to your Lordships that when I arrived here in 1734 I found a Paper Currency issued in the time of the Lords Proprietors to the Value of about 10,000£ it had but an indifferent Foundation being on Land security, which is no great value here, but there being little gold & silver we were obliged to take these Bills in discharge of Quitrents and the Governor and officers were obliged to take them in Payment of their Salarys and Fees, as with them they could purchase any produce of the Country, and sometimes Bills of Exchange to send Home and to buy the necessaries of Life for themselves and Familys, but the Planters were very unwilling to part with these Bills in discharging of their Taxes for the support of Government, but insisted most obstinately in paying of Comodities according to the above Table by which there was always a large Deficiency in the Supplies of the Year and the Country fell every Year deeper in Debt.

In the Year 1744 the time fixed for sinking these Bills, it was with the greatest Difficulty we could prevail on the Assembly to provide a Fund for that purpose, it cost us two or three Assemblies however at last we got it done, tho' not in the best manner could be wished for, but after this matters turned out still worse, there was no money in the Publick Treasury, and they could not carry their Gross, Bulky, and some of them perishing Comodities there, Divers Assemblies were held, and nothing to pay the Charges of the Sessions, Clarks could scarcely be procured to write and Transcribe the Journals of the two Houses, and not a Man would go Twenty miles as an Express on the Public Faith, so that I was forced, either to send my own servants or pay People out of my own pocket, and indeed for these fifteen years past, the charge of all Publick Letters, Packets & Expresses have been all to a trifle advanced

by me for the Publick for which I became the most considerable of their Creditors, and it straitened me very much considering the misfortunes I have met with of late Years, besides this there was a vast arrear of Quit rent due to the Crown and Earl of Granville, an entire stagnation of Business in all the Public offices and a vast load of Debt owing from the Country, all this raised a loud & clamorous Demand for a large & speedy Emission of a Publick Currency; Here it is my Lords that I blame myself with the greatest severity for want of forethought and consideration, and not applying to your Lordships for advice & Direction in such perplexed Circumstances, but I was so imprudent as to trust to my own firm Resolution, which I had often declared both Publickly and in Private, that in no Case and on no Conditions I would consent to break through his Majesty's Instructions or admit of any more Paper Money.

Matters continued in this situation for three years, when in the year 1747 several small Sloops & Barcalonjos, came creeping along the shore from S^{t} Augustine full of armed men, mostly Mulattoes & Negroes, their small Draught of water secured them from the attacks of the only ship of war then on this station, they landed at Ocacock Core sound, Bear Inlet, and Cape Fear, where they killed several of his Majesty's subjects, burned some ships and several small Vessels, carried off some Negroes, and slaughtered a Vast number of Black Cattle and Hogs, these Practices were continued all the summer 1747 and enraged the People to the highest degree, they exclaimed that there was no safety for them without Forts, and as there was no money in the Treasury Forts could not be erected without an imediate Emission of Publick Bills that other Governours had found it necessary to allow a new Currency on the pressing Exegencies of a hot war, but their Governor would rather see the Country ruined before his eyes than Depart from his obstinate Resolution, at the same time the People in the Northern Counties were by Macculohs Artifices all in an uproar on account of their five Members in such a situation, when matters were everywhere in flame. I could not avoid complying in some measure with their Importunate Demands. I have endeavoured to do it in such a manner that his Majesties service, and the Country in General, will be greater gainers by it, than they can possibly be loosers by this constrained Emission. It was upon these three Conditions I was prevailed upon to grant my consent. 1st The Four Forts should be built, two large Ones, one at Ocacock the other at Cape Fear, and two smaller, One at Core sound, the other at Bear Inlet. 2nd And for discharging all Publick Incumbrances, and this purpose no larger sum should be issued than £6,000 Sterl: over and above the

£10,000 of the former currency. 3rd That no more Taxes should be paid in Comodities but Publick Payments of all kind should be paid in Proclamation money which they have solemnly engaged to do for the future.

Thus with this small addition to their former Currency, his Majesty has gained four Forts, one of them Vizt at Cape Fear already finished, and the rest going about and that odious sham method of supporting the Charges of Government by paying Comodities forever discarded.

The whole amount of the new Currency is less than 6:000£ sterl: or between 21 & 22000£ Proclamation money, this is a true and plain Account of this whole Transaction, in which I have not in the least Endeavoured to Disguise or Conseal what was wrong or blameable in my Conduct, for which I most humbly beg your Lordships to intercede with His Majesty for his pardon & Forgiveness.

I am with great respect, &c.,

GABl JOHNSTON.

[From North Carolina Letter Book of S. P. G.]

Edgecombe County N. Carolina May 2 1749

Revd Sir, [to the Secretary]

This vestry met yesterday & notwithstanding I promised if they gave me leave to go to London this summer, to return with all convenient speed, they would not agree to it for the reasons mentioned in my Letter of the 22nd Novr I then considered how forward they were to get things in order for publick worship The church is almost finished and perceiving my absence might discourage them, I dropt my resolution of going to Sea this Summer, upon which they instantly laid a tax for building 2 new chapels. After all I am apprehensive the new paper Bills emitted last year, will frustrate all attempts to settle Missionaries among even the upper Inhabitants: I can get nothing for the Bills in which they paid my Salaries at Cape Fear and if such payments are made here (which this vestry hitherto prevented as much as ever they could) I must leave the Province; Because creditors in Time of War are paid in commodities that cannot be sold, & in time of peace in paper Bills of no real value. I am your most, &c.,

JAMES MOIR.

[From North Carolina Letter Book of S. P. G.]

North Carolina Edenton Sept^{r} 11th 1749.

Reverend Sir, [to the Secretary]

I have lately been a long journey to Granville County which lies westward; wherein I rode above 300 miles, preached 7 sermons Churched 50 well disposed women & Baptized 184 children: I am going (with God's leave) to set off the next week to perform my Duty thro' Perquimans, Pasquotank, & Currituck counties.

Our church at Edenton is yet unfinished, but one is lately built in Edgecombe County where Mr. Moir resides. Colonel Edw^{d} Moseley, Earl Granville's agent, & one of our council is lately deceased (viz) the 11th July past. There has been some misunderstanding between our northern & Southern Burgess's &c wch I hope will be settled before long & that our national church (which is by too many neglected and despised) will be better Established & Flourished in this new & growing country, for here are about 16 large Parishes vacant without Ministers. So that we may truly say in our Lords own words, "The Harvest truly is plenteous but the Labourers few."

We have the pleasure to hear that a Bishop (who is much wanted & by all good men earnestly desired) is about to be sent over & settled in Virginia—Please to let me know whether it be true or not Total N^{o} of y^{e} Bap^{d} is 3922 persons Yours &c.,

CLEMENT HALL.

[B. P. R. O. North Carolina. B. T. Vol. 11. B. 101.]

Edenton 21st [December] 1749.

My Lords [of the Board of Trade]

The only business done in the Assembly which I met at Newbern in Oct^{r} last was the Revision of the Laws of the Colony in order to their being printed, this was done with as much exactness as the circumstances of the Province could well admitt of. they are now in the press, and I expect to be able to send your Lordships a copy of them by the middle of June next.

I have transmitted by this conveyance a copy of the Minutes of Council which sat in April last as Mess^{rs} Moseley and Halton Members of Council have been removed by death and M^{r} Pollock has been confined to his Plantation by sickness ever since 1746 and was given over by his Physi-

cians last September, I was obliged to fill up the Council to number 7, by swearing in James Hasell Esquire, the vacancies are occasioned by the death of Edmund Porter, William Smith Robert Halton and Edward Moseley Esq^{rs} and I hourly expect a fifth by the death of Cullen Pollock Esq^{r}.

I am Your Lordships most, &c., GAB. JOHNSTON.

[From North Carolina Letter Book of S. P. G.]

North Carolina, Edenton Dec^{r} 27th 1749

Rev^{d} Sir [Mr. Hall to the Secretary]

In Sept^{r} & Oct^{r} past I journied thro' the north part of my Mission, rode about 200 miles—preached 14 sermons, Bap^{d} 265 white & 20 Black children & 4 Black adults The congregations were very numerous & behaved exceedingly well; tho' the continued travel & duty went very hard with me by reason of my Indisposition having had bad health of long time.

The state of our church is as before, but Mr. Corben Earl Granville's agent, says that he will do his true endeavours to have it finished and there is another chapel now Building in the Parish, which will make 4 places of Publick Worship in the compass of 60 or 70 miles, I have baptized 3945 white & 139 Black children; 45 white & 92 Black adults: in all 4221 persons.

[B. P. R. O. Am: & W. Ind: No. 592. N. C. B. T. Vols. 11 and 21.]

CORBIN, DOBBS AND OTHERS vs. GOV. JOHNSTON.

To the most noble John Duke of Bedford, His Majesties Principal Secretary of State for the Southern Provinces.

The Memorial of the underwritten Proprietors and Persons interested in the Province of North Carolina, on behalf of themselves, and the Inhabitants of the said Province, Most humbly Sheweth,

That Gabriel Johnston Esq^{re} the present Governor of the said Province, hath held no Correspondence with the Secretary of States Office for several years past, and very little with the Board of Trade, whereby he hath broken his Instructions, and disowned in effect all Subordination to the Crown, and as far as hath laid in his power, hath Excluded the Province from its connection with its Mother Country, and the favour of the Government.

That the said Governor hath lately Emitted and forced upon the said Province Paper Bills to the amount of Twenty One Thousand Three Hundred and Fifty Pounds in notorious Breach of his Instructions; whereby Creditors and Merchants trading with the Province are deprived of their just Dues by petitions Payments made in these Bills; and the Credit and Honour of the Country entirely destroyed.

That the said Governor hath continually granted Injunctions, or Noli Prosequis, upon frivolous Pretences, and after Verdicts given, and judgment obtained, at Common Law hath continually granted Appeals to Chancery, and yet seldom or never held any Courts of Chancery; whereby vast numbers of Causes lye suspended, and the whole Course of Publick Justice interrupted. That the said Governor hath granted Letters of Administration to Persons not being the nearest Relations, nor having any Legal Pretentions to be so appointed; And upon other occasions hath arbitrarily revoked Letters of Administration at pleasure, whereby the greatest injustice to many Families and their utter ruin hath been perpetrated.

That the said Governor during the time of the late Rebellion notoriously countenanced and favoured Scots Jacobites, by placing them in Chief Offices of Trust and Power, particularly one Mac Gregor, who had been an attainted Rebel in the year 1715, and who was appointed a Justice of Peace, and Colonel of Militia, during the late Rebellion in Scotland, to the great scandal and Consternation of the loyal Inhabitants of the said Province.

From all which and other illegal Measures of the said Gov^{r} the Colony is now thrown into the utmost Confusion, its Credit utterly destroyed, and the whole Province is become little better, than a Receptacle and Asylum for Fugitives, and Persons of desperate Fortunes & Characters.

Your Memorialists therefore humbly hope that Your Grace will take the Premises into your Consideration, and represent the deplorable state of the Province to His most gracious Majesty, so that it may obtain relief from the present Governor, in such manner as to Your Grace's wisdom, shall seem meet.

FRANCIS CORBIN.
IS^{o} ARTHAND.

From the Accounts we have had from Persons who have come over & from Letters which we have seen, we have reason to believe the facts mentioned in the above memorial to be true, & that the Province is in a state of confusion.

ARTHUR DOBBS.

Dec^{r} 14th 1748.

SAM: SMITH.
JOHN MORRIS.

To the most noble John Duke of Bedford, His Majesty's Principal Secretary of State for the Southern Province.

The Memorial of Thomas Child, His Majesty's Attorney General of the Province of North Carolina, most humbly sheweth,

That your Memorialist in the year 1746 had the honour to be appointed by his most sacred Majesty, Attorney General of the said Province, and soon after went over thither, where he immediately began to apply himself to the Duties of his Office, but had the misfortune to find the Province in the deepest state of Confusion, occasioned as he humbly apprehends, by the misconduct of the present Governor Gabriel Johnston, in neglecting to support any order, or form of Justice in some Cases, and in others, arbitrarily enforcing illegal and unjust measures, insomuch that your Memorialist seeing and experiencing, after a fruitless stay there, that it was impracticable for him to execute the functions of his Office, was necessitated to leave the Country to his very great loss & disappointment.

That your Memorialist from the Duty he owes to the Crown as its immediate and most zealous servant, and from the nature of his Employment in the said Province, as his Majesty's Attorney General, most humbly offers the following Representation, as the just Causes of Complaint against M[r] Johnston's Administration.

That the Courts of Chancery, wherein great & frequent occasions arise for redress, are seldom or never held By which neglect, a great number of Causes have been depending for a shamefull space of time, & still remain undetermined.

That Injunctions out of Chancery are indiscriminately granted to stay Executions on Judgments obtained at Common Law; and the said Courts of Chancery not being regularly held, the Parties are deprived of an opportunity to shew Cause for dissolving them: Whereby they loose the benefit of Verdicts in their favour; and the legal course of Publick Justice is stopped.

That Administrations of Intestates Effects are granted without any regard to the Directions of the Laws in those Cases: and revoked, without a hearing of Parties, or sufficient Cause shewn for it.

That Persons are put in Commissions of the Peace who are neither duly qualified, nor Capable of executing them, so that the most absurd, as well as the most partial Proceedings continually happen. And Persons notoriously disaffected to the present most happy Establishment, are not only countenanced, but placed in offices of Trust or Benefit.

That a New Paper Currency, to the Amount of above 20,000 lbs: has been issued by the said Governor's procurement; and forced upon the People of the said Province, whereby Merchants or Traders & Proprie-

tors of Lands are unjustly oppress'd the Country greatly involved in Debt; and the Communication of Trade with other Colonies, and the Mother Country in particular, almost totally suppressed.

Hence the Credit of the Province is reduced to the lowest state, and the Country become only an Asylum or Refuge for People of desperate Fortunes & scandalous Characters to retreat to from other Colonies.

Which is most humbly submitted by My Lord,

Your grace's most, &c., THOMAS CHILD,
Attorney General of the Province of North Carolina.

R. the 15th of December 1748.

To the Right Honourable the Lords Commissioners for Trade and Plantations.

The Memorial of James Abercromby Esqre Agent for the Province of North Carolina, & for Gabriel Johnston Esqre Governor of the said Province. Sheweth,

That your Memorialist during his Attendance before your Lordships while a Letter from his Grace the Duke of Bedford relating to complaints against Gabriel Johnstone Esqre Governor of North Carolina was under consideration your Memorialist took notice of several verbal Allegations which were then Exhibited to your Lordships by one Corben Morris and by other Persons who appeared before your Lordships as your Memorialists believes at the Instance of the said Corben Morris, which said Allegations then and there so Exhibited did tend not only to impeach the Proceedings of the Legislature of that Province together with Governor Johnstones Administration as productive of Grievances to his Majesties Subjects in that Province, but also to charge personally the said Governor Johnstone (amongst other things) with a Crime of the most detestable nature and particularly odious to him the said Gabriel Johnstone as Governour of that Province, vizt, disaffection to his Majesty's person and Government.

That the said Governor Johnstone is thereby most sensibly injured but as [at] the same time confident of your Lordships justice he pleads this fundamental maxim of the Constitution (vizt) that the greater crimes are, so much the less, are they to be presumed and taken by construction or conjectures and thinks it his particular good fortune in the present case, while he stood accused secretly to have received the strongest mark of his Majesty's goodness that those who act in authority under him are not to be deprived of his royal favour, nor condemned by others unheard, for from such principles of humanity and natural Justice your memo-

rialist conceives the case of Governor Johnstone to come referred to your Lordships examination by his Majesty's secretary at State in order that the Person accused may thereby have an opportunity of making his defence to every point alledged against him, and more particularly to that of disaffection to his Majesty which of all others affects him the most as it is exhibited and applied by the said Corben Morris against the said Governor Johnstone in order to deprive him the said Governor of His Majesty's Royal Favour and thereby not only to expose him to his Majesty's resentment, as a person who had betrayed that great Trust reposed in him, but at the same time to defeat his Right to those arrears of salary which his faithfull tho' unsuccessful endeavours for the space of fifteen years to promote his Majesty's service in that province entitles him to under his Majesty's Commission & for which said arrears, amounting to no less a sum than that of eleven Thousand Pounds sterling, a sollicitation is now depending.

That these Accusations have taken rise here (in England) and being exhibited before your Lordships by a person no ways concerned in that Province nor in the least aggrieved by the proceedings of the Governor or Legislature of North Carolina, nor any publick Documents from that province so much as called for in order to support such complaints it cannot therefore be expected that those who are themselves ignorant of such accusations should or could have instructed their Agent so as now to make a proper Defence in their behalf nor can he the said Agent (so lately introduced into that service) of himself Answer to Matters wherein he has not the smallest belief or knowledge.

That for these reasons and more particularly for that your memorial has not in this Case been at liberty to object to the Informality & Irregularity of the Accusers. Notwithstanding whereof as your Lordships Report for ought that your Memorialist knows or can any ways be informed of in point of practice may in the present case prove final and thereby the said Governor Johnstone and Legislature of North Carolina become deprived of the ordinary course of Defence in cases of complaints of a publick nature relating to the Plantations by a Litigation of Reports from your Lordships Board before his Majesty in Council your Memorialist is thereupon advised with your Lordships permission to make his Defence in behalf of his constituents before that the Report is made absolute by your Lordships Board and in order to enable him to make such Defence now moves your Lordships that copies of such Articles of Accusation as have been exhibited against the Legislature and the Governor of North Carolina so far as the same have been admitted by your Lordships to be grounds for complaint against such Legislature & Governor may

be transmitted to the parties concerned and time given to Answer, by which it will be made evident that the Legislature of the said Province by passing that Bill (amongst other purposes for granting to his Majesty the sum of six thousand pounds for erecting Forts for the Defence of the Province) which at present does not appear to your Lordships, did not intend as has been alledged to deceive his Majesty or his subjects trading to that Province, but that the same was calculated for his and their service and that with regard to Governor Johnstone. That he will be able to prove by the evidence of persons who are in the highest channel of Council to his Majesty and in great Rank in Church and State and whose Testimony cannot fail of having wheight in satisfying your Lordships that notwithstanding what has been most unjustly and injuriously alledged against him the said Governor Johnston in order to promote purposes more particular and more interested on the part of his accuser Corben Morris than mere zeal for his Majesty's service, that the said Governor has done his Duty as Governor of that Province as far as it was possible for him to do, obstructed in the execution thereof by some of those Persons who are now his Accusers, and that he remains stedfastly attached in loyalty and affection to his Majesty's person, Family and Government.

All which your Memorialist in behalf of the said Legislature and the said Governor of North Carolina submits to your Lordships Consideration. J. A. ABERCROMBY.

Feb^{ry} 13th 1748.

My Lord [Duke of Bedford]

Pursuant to your Grace's letter to us dated the 23rd of January last acquainting us that complaints had been laid before you by Messrs. Corbyn Morris Danbus and Child Gentlemen interested in His Maj. Province of North Carolina relating to the conduct of M^{r} Johnston Governor of that Province and that it was His Maj. pleasure that we should immediately require the said Gentlemen as likewise M^{r} Abercrombie Agent for the said Province to attend us and that we should report to your Grace a state of the case with our opinion thereupon, We take leave to acquaint Your Grace That we have been attended upon this occasion by M^{r} Morris Principal agent in this affair together with Messrs Danbus & Child and by M^{r} Abercromby in support of the Gov^{r} and also by Messrs. Townshend, Corbyn and Arthand other Gentlemen trading to and interested in the said Province whom M^{r} Morris thought proper to bring before us in order to support his Complaint which was reduced by him under the three following heads Viz^{t}

1st. That the said Governor had shown a contempt for his Maj. Orders and Instructions by not having transmitted any account of the affairs of that Government nor altho' many depredations were made by the enemy upon that coast during the War had he sent any account thereof nor any Acts passed there or any public papers which by His Majesty's Instructions he is directed to transmit.

2nd. That he had passed an Act in April last for issuing Bills of Credit without a clause suspending the execution of it until His Majesty's pleasure might be known thereupon contrary to his Instructions by which means all credit in the said Province was destroyed and Merchants trading thither greatly prejudiced.

3rd. That he had appointed suspected persons to offices of trust particularly that he had appointed one William M°Gregor who had been in the Rebellion in the year 1715 a Justice of the Peace during the late Rebellion and was not himself without suspicion of disaffection to His Maj. Government.

We shall now submit to Your Grace's consideration the information which has been laid before us relative to each article and to the present confused state of that Province which Mr. Morris took notice of as a collateral circumstance together with such observations as have occurred to us thereupon.

As the first Article of Complaint against Mr Johnstone is for a breach of His Maj. Instructions in not corresponding with the respective offices no other information relative thereto than what may appear from the records of such Offices and as he is particularly directed by his said Instructions to correspond with one of His Majesty's Principal Secretaries of State and with this Board We think it incumbent upon us to lay before Your Grace a state of his Correspondence with this Office from his arrival in that Province about the latter end of the year 1734 to the present time.

It appears from our Books that the said Governor from the year 1734 to the year 1741 held a regular Correspondence with this Board informing them from time to time of the situation of affairs in his Government and transmitting the Records and other public papers pursuant to his Instructions but from Dec. 1741 to June 1746 no letters or public papers of any kind were received by this Board from the said Governor notwithstanding he was from time to time reminded of this neglect and altho' we have since received four letters from him relating chiefly to the confused state of Affairs in that Government yet as he has not sent us any of the records of that Province except the Journals of the Assembly for the years 1744, 1745 and 1746 nor any other public papers by means

whereof we might be enabled to judge of the true situation of affairs in that Province or what methods would be proper to be pursued.

How far Mr. Johnstone may have complied with his Instructions with regard to Your Grace's Office will best appear from the Records thereof however we must acquaint Your Grace that Mr. Danbus who had for several years the command of a ship trading to that Province informed us that he had frequently carried letters from the Offices here in England to the said Governor yet he never brought any back from him when he returned tho' it was usual for him to call upon the Govern^{r} a week or a fortnight before his ship sailed to give him notice thereof.

The second Article against the said Governor is his having passed an Act for issuing Bills of Credit without a suspending clause and as a proof thereof Mr. Corbyn produced to us a letter which he had received from Mr. Moseley Baron of the Exchequer in North Carolina dated the 13th of Sept. 1748 acquainting him that a Bill had passed in that Province in April last for a new emission of Bills of Credit Proclamation Money to exchange old Bills that were worn out and granting £6000 for erecting Forts in different parts of the Province Mr. M^{c}Culloh also produced to us a letter which he had received from Mr. Anderson Judge of the Admiralty in the said Province dated the 30th of June 1748 acquainting him that a law had been passed in that Province for emitting £21,250 in Bills of Credit Proclamation money without a suspending clause for exchanging the old Bills erecting Forts and Contingencies of Government and as a further proof thereof Mr. Morris informed us that a Speech made by the said Governor to his Assembly upon the passing the said Bill had been printed in the South Carolina Paper transmitted to the Carolina Coffee House and seen by many Gentlemen but had since been taken away & secreted by some person He likewise observed to us that the said Bill could not be passed with a suspending clause for being to exchange old Bills it was not likely that the possessors of such old Bills would give them up for Bills under a suspension & that as to the pretence of building Forts it was made a job and that two or three persons who were in the Governors interest took the bills & employing a few Negroes to throw up a little ground which they called a Fort charged the Province to the amount thereof.

We must however take leave to acquaint Your Grace that no Act of this sort has been transmitted to us neither has the Governor acquainted us therewith

With respect to the charge against the said Governor of having appointed suspected persons to Offices of trust and to the suspicion of his being disaffected to his Maj. Government We must take leave to

acquaint Your Grace that Mr Child Attorney General of the said Province informed us that upon his going to the said Province in the time of the late Rebellion he observed that a Capt. McGregor whom he heard and believed was a Captain of the Militia and in the Commission of the Peace but could not say that of his own knowledge not having seen him act in either of those capacities or any Commissions appointing him to either of those Offices, behaved in an extraordinary manner & appeared much elated when any little success attended the Rebels and therefore he thought proper by virtue of his Office to tender him the Oaths which he twice refused to take but at length did take them and that he had heard the said McGregor was often with the Governor and in his confidence.

As to the latter part of the charge Mr Danbuz acquainted us that being at Cork when the news of the Rebels defeat at Culloden was brought thither he soon after sailed for North Carolina and upon his arrival there he went ashore and acquainted the Governor with the news who received it very coldly and upon his showing him a list of the Rebel Chiefs killed & taken prisoners the Governor exprest a concern for them saying many of them were his acquaintances and schoolfellows that he had several times been with the Governor before and was always kindly received till this time and that altho' this was the first news of this event there was no rejoicings made which occasioned much surprise.

We must now beg leave to submit to your Grace's consideration such information as has been laid before us relative to the confused state of His Maj. said Province of North Carolina as a collateral circumstance of the aforementd Heads of Complaint.

We have upon this occasion been informed by Mr Townshend who some few [years] ago carried on a trade with the said Province that the said Province was in great distress and confusion and scarce better than an Asylum for fugitives that he could not take upon him to say from what this distress & confusion arose but apprehended from the want of a regular Government That the trade which he had with the Province was carried on through Boston or South Carolina there being no direct trade thither. That the debts of Merchants in the said Province were generally desperate and no redress could be obtained but that he believed if the Province was in a state of regularity a direct trade would be carried on thither.

We have also been informed by Mr. Child that when he arrived in that Province he found affairs in so confused a state and such disagreement amongst the people that he determined not to stay there and accordingly left it in less than a twelve month that while he was there he heard great complaints of injunctions being issued out of the Court of

Chancery to stop the execution of judgments by the inferior Courts and that Courts of Chancery were seldom held for that as the Members of his Maj. Council who with the Governor composed the Court of Chancery lived in distant parts of the Province it was usual for such injunctions to be granted by the Governor upon a petition to him as a Court could not be readily got together and that no Court of Chancery was held while he was there.

That he likewise heard complaints of the Governor's not living at the seat of Government his house being near 100 miles distant and the public offices were likewise at a great distance and upon his being asked by Mr. Abercromby whether he had ever heard that the confusion in the affairs of the Govern^{t} was owing to any misconduct in the Governor or whether it was not owing to the discontent of the inhabitants of the Northern Countrys he said that he had heard that the Northern Countrys had shown great discontent by being abridged by a late Act of Assembly of their privilege of sending five Members to the Assembly.

The practise of issuing injunctions from the Court of Chancery was likewise confirmed to us by Mr. Arthand who acquainted us that he went to North Carolina in the year 1739 and resided there till the year 1742 where he acted as an Attorney and had many causes in the Courts there in most of which as well as all other causes injunctions were granted by the Governor as Chancellor upon an application to him and no Courts of Chancery held for determining thereupon that there were great irregularities in entering up judgments by the Clerk of the General Court and none or very imperfect records kept. The issuing these injunctions were likewise confirmed to us by Mr. Corbyn & Mr. McCulloh who said that he remembered but three Courts of Chancery held in seven years he likewise acquainted us that one Mr. Lithgow a gentleman of credit in that Country have purchased a Plantation from one Mr. Grey on which plantation Mr. Roger Moore one of the Council was at the time of such sale cutting down timber & burning lightwood to make tar Mr. Lithgow would not suffer Mr. Moore after he had made the purchase to carry off the tar upon which Mr. Moore did it by force and threatened to sue Mr. Lithgow for Barretry, afterward Mr. Lithgow having determined to leave the province in order to reside in New England for his health & having accordingly disposed his affairs for that purpose was embarked for his departure when Roger Moore applyed to Mr. Rice Secretary of the Province and made oath that he intended to take out an action of £2000 Sterl^{g} against Lithgow & desired a Warrant to seize him which was granted to him & Mr. Lithgow was accordingly forcibly taken from on board the ship he was embarked in

whereupon he gave in Bail the next Court of Assize & brought in a Bill of indictment against Moore & Rice who thereupon applyed to the Governor to stop the proceedings which he accordingly did & would not suffer the affair to be tryed. To these complaints M^r^ Abercrombie acquainted us he had no answer to make they being irregular informal and null of themselves

Upon the whole We are of opinion that if the information which has been laid before us be true the Province is certainly in great disorder & confusion and We submit it to Your Grace to take such measures as Your Grace shall think proper for remedying the same.

We are My Lords, Your Grace's most, &c.,

DUNK HALIFAX FRAN FANE
T. ROBINSON J. GRENVILLE

Whitehall February 20th 174$\frac{8}{9}$.

[B. P. R. O. North Carolina. B. T. Vol. 11. B. 91.]

My Lords, [of the Board of Trade]

I must inform your Lordships that Robert Halton Esq^re^ a Member of his Majesty's Council departed this life at this Place on the 15th of last month, the remaining Members are Nath: Rice, Eleazer Allen, Mathew Rowan, Edward Moseley, Roger Moore, Cullen Pollock, and William Forbes, Esq^re^ Mr. Pollock is sickly & has not attended for these two years past, James Murray another Member has been absent for these four years past I know not whether dead or alive.

It is with equal surprise & concern that I am informed by my Friends at Home that my Enemies have represented me at all the offices as a Jacobite. I thought my character had been too well known for any of them to dare to fix so vile an imputation upon it, they might with the same justice accuse me of murder or Felony, for the last seven years before I came abroad I lived almost constantly with the late Lord President Wilmington, and have the honour to be known for many years by the Earl of Bath, Lord Anson the Bishop of Worcester and a great many other Persons of Distinction. In short I have not one Friend, relation or Acquaintance in the world who are not firmly attached to the present Royal Family, what can there be in this wild barbarous Country that could possibly tempt me to abandon all the friends I have in the World & embrace so desperate & profligate a Cause, tho' I have made enquiry, since this malicious Report reached me, I cannot hear of the Person concerned in the late Rebellion who has come into this Province, and as for turning out the Palatins from their Lands to make room for

Rebels, if they can prove that I ever turned out any one Person whatsoever from his Lands or deprived one Man of a shilling of his Property from my first coming into the Government to this Day I will allow the truth of all the rest of their spitefull Accusations. I hope I need say no more on this Article in my Vindication, the Very suggestion of which has given me so much Chagreen.

I am Your Lordships most, &c., GAB: JOHNSTON.

Edenton May 10th 1749.

[B. P. R. O. B. T. JOURNALS. VOL. 57. P. ...]

BOARD OF TRADE JOURNALS.

At a Meeting of his Maj. Commrs for Trade and Plantations

Present.

The Earl of Halifax

Mr Pitt — Mr Grenville

Lord Dupplin — Mr Fane.

Tuesday Janry 10th 174$\frac{8}{9}$

Read a letter from James Abercromby Esq. dated 10th Janry 174$\frac{8}{9}$ acquainting the Board that the legislature of the Province of North Carolina have appointed him their Agent in Great Britain and inclosing the extract of a letter from Mr Johnston Governor of that Province relating to the difficulties he is under in his correspondence with the several offices.

Tuesday January 24th 174$\frac{8}{9}$

Read a letter from his Grace the Duke of Bedford dated 23rd Janry 174$\frac{8}{9}$ signifying to the Board that complaints were made by several persons against Gabriel Johnston Esqre Governor of North Carolina & that it is His Maj. pleasure that the Board do require the attendance of the said persons and report to him a state of the case with their opinion thereupon.

Ordered that the Secretary do write to Messrs Corbyn Morris Danbus & Child as also to Mr Abercrombie Agent for the Province of North Carolina whose names are mentioned in the above letter to desire their attendance at the Board to morrow morning at eleven o'clock.

Wednesday January 25th 174$\frac{8}{9}$.

Mr Corbyn Morris and Mr Child attending as had been desired upon Complaints made by them to his Grace the Duke of Bedford against Gabriel Johnston Governor of North Carolina together with Mr Aber-

cromby agent for that Province in behalf of the Governor the letter from his Grace the Duke of Bedford mentioned in the preceding minutes was read and Mr Morris being asked what he had to offer with respect to any misconduct of the Governor in the administration of that Government he acquainted their Lordships that he should submit what he had to offer with respect to the Govrs conduct under three Heads 1st His contempt and disobedience of the Crown's Orders particularly in neglecting to correspond with the Government 2ndly His passing Acts for issuing Bills of Credit without suspending clauses and 3rdly appointing suspected persons to offices of trust. That the first of these points would be proved by their Lordships office whereby it would appear that he had never transmitted any accounts of the affairs of that Government nor altho' many depredations were made upon that coast during the war had he sent any account thereof nor any Acts passed there or other public papers which by his instructions he is directed to do. That with respect to the second point it appeared by letters from some of the Officers of the Government there that he had passed an Act in April last for issuing bills of credit without a suspending clause contrary to his instructions by which means all credit in the said Province was destroyed and the Merchants greatly prejudiced but as he had neglected to transmit the records this could not be any other ways proved than by the letters before mentioned That with respect to the third point Mr Child the Attorney General who was present wd inform your Lordships of the Governor having appointed one Mr McGregor who had been in the rebellion in the year 1715 a Justice of the Peace when the late Rebellion was carried on here which said McGregor had twice refused to take the oaths to His Majesty's government though he did at length take them.

Mr Abercrombie Agent in behalf of the Governor said that he never knew accusation against a Governor introduced without some regular form by which the Board might be able to judge & determine thereupon and the party accused to make his defence and therefore he desired that the complaints might be delivered in writing and that he might have a copy thereof in order to return an answer thereto.

Whereupon the parties were ordered to withdraw and their Lordships taking the same into consideration agreed pursuant to the Duke of Bedford's letter to proceed upon such information as should be given to them by these persons now attending and lay before his Grace a state of the case as it appeared to them and the parties being called in and Mr Morris informed that their Lordships were ready to hear what he had further to offer he said that in order to justify what he had alledged and as a proof that it was not defamation he should beg leave to ask Mr Child

some questions relative thereto whereupon Mr Child acquainted their Lordships that he did not appear before them either as an evidence against or accuser of Mr Johnston but should readily for their information answer all such questions that should be asked him as far as he knew of the matter and being asked what he knew concerning Mr McGregor on the Governor's appointing him to any office of trust he said that when he arrived in that Province as Attorney General it being in the time of the Rebellion he observed that a Capt. McGregor who he believes and heard was a Captain of the Militia but could not tell behaved in any extraordinary manner and appeared much elated when any little success attended the Rebels here and therefore he thought proper by virtue of his office to tender him the oaths which he twice refused and at length took but he has heard that he was often with the Governor. He likewise acquainted their Lordships that he had received a letter from a correspondent in the Province acquainting him that the Governor had passed an Act for issuing Bills of Credit and being asked whether the Province was not in great confusion and irregularity he said that when he arrived there he found affairs in so confused a state and such disagreements amongst the people that he determined not to stay there and accordingly he left it in less than a twelvemonth That while he was there he heard complaints of injunctions being issued out of the Court of Chancery to stop the execution of judgments given by the Inferior Courts and Courts of Chancery seldom held for as the Council who with the Govr composed the Court of Chancery lived in distant parts of the Province it was usual for such injunctions to be granted by the Governor upon petitions as a Court could not be soon got together and that no Court of Chancery was held while he was there that he likewise heard complaints of the Governor not living at the seat of Government his house being a hundred miles distant and that the public offices were likewise at a great distance and being asked by Mr Abercrombie whether he had ever heard that the confusion in the affairs of the Government was owing to any misconduct in the Governor or whether it was not owing to the discontent of the inhabitants of the Northern Countys he said that he had heard that the Northern Countys had shown great discontent by being abridged by a late Act of that privilege of sending five Members to the Assembly.

Mr. Morris then informed their Lordships that Mr. Danbury (who had not attended pursuant to a letter from the Secretary to him for that purpose) as also Messrs Corbyn Macculloh Arthand Joye & Townshend could give their Lordships further information with respect to the affairs of the Province and the Governor's conduct therein their Lordships

agreed to proceed further in the consideration of this affair tomorrow morning and the Secretary was directed to write to the above Gentlemen to desire their attendance at the Board at eleven o'clock.

Thursday January 26th 174$\frac{8}{9}$

Present

Earl of Halifax

Mr. Pitt. Mr. Leveson Gower

Mr. Grenville. Mr. Dupplin

Mr. Morris attending as also Messrs. Townshend Macculloh Corbyn and Arthand with Mr. Abercromby Agent in behalf of Mr. Johnston Governor of North Carolina their Lordships desired Mr. Morris would lay before them such further information as he should think proper with respect to the conduct of Mr. Johnston Whereupon he acquainted their Lordships that he should proceed upon the three points he proposed yesterday and some further proof that the Governor might justly be suspected of disaffection to His Majesty as also such other collateral facts as should appear from the information of gentlemen that were present That with respect to the Governor's contempt of the Crown's orders and as a proof of his disobeying them he desired that an Act passed by him of abridging the Northern Countys of their privilege of sending five Members each to the Assembly without a suspending clause might be read as also the 23rd Article of his Instructions whereby he is directed not to pass Acts of an extraordinary nature without a suspending clause whereupon the parties were ordered to withdraw and it appearing to their Lordships that proceedings had been had at this Board upon a petition of the inhabitants of the said Northern Countys against the said Act and complaining of the Governor's proceedings thereon and that orders had been sent over to the Governor in consequence of a representation of the Board upon this affair to transmit all evidence relative thereto and his Answer to the complaints against him their Lordships agreed that it would not be proper that Mr Morris should proceed upon this article it being a matter already before the Board for their determination and the partys being again called in Mr Morris was informed thereof whereupon he desired Mr Townshend would inform the Board what he knew concerning the present confusion in the affairs of the government of North Carolina and whether he did not apprehend it arose from the Governor's misconduct who said that he had dealings in the Province about three years ago & carried on his correspondence through Boston or South Carolina there being no direct trade thither that the Colony was in great distress and confusion and scarce better than an asylum for fugitives

but he could not take upon him to say from whence that distress arose but apprehended from the want of a regular government that the debts of merchants who had dealings there were generally desperate and no redress could be obtained and he believed that if the Province was in a state of regularity a direct trade would be carried on thither And in order to prove the Governor's having passed a Bill for issuing paper money Mr Corbyn produced a letter to him from Mr Moseley Baron of the Exchequer in North Carolina dated 13th Sept. 1748 acquainting him that a Bill had passed in that Province in April last for a new emission of Bills of Credit proclamation money to exchange old Bills that are worn out and granting 6000£ for erecting forts in different parts of the Province wheupon Mr Morris observed that this Act could not be passed without a suspending clause for being to exchange old Bills it was not likely that the possessors of such old Bills would give them up for Bills under a suspension and that with respect to the forts two or three persons under the Govrs influence took the money and employing a few Negroes to throw up a little ground by way of Fort charged the Province with the Bills. Mr McCulloh likewise produced a letter from Mr Anderson Judge of the Admiralty dated 30 June 1748 acquainting him that a law had been passed in that Province for 21,250£ in Bills of Credit Proclamation money without a suspending clause for exchanging the old Bills erecting Forts & contingencys of Government and that Commissrs were then stamping the Bills. Mr Morris likewise informed their Lordships that there had been a Speech of the Governor's to the Assembly upon the occasion of passing this Bill printed in the South Carolina Newspapers transmitted to the Carolina Coffee House and seen by many gentlemen but had since been taken off the file and secreted by some person Mr Macculloh acquainted their Lordships that in the year 1735 £40,000 in Bills of Credit equal to £10,000 Sterling was emitted by the Province and that by the Act for emitting it the interest was applied for sinking the Bills but that in 1738 the legislature passed an Act for applying the interest to the payment of their own services Mr Morris then said that with respect to the last Article of the charge their Lordships were already informed of his appointing a suspected person to offices of trust and he should now lay before them such information as could be obtained of the Governor's own disaffection and he desired Mr Danbuz would acquaint the Board with what passed betwixt him and the Governor upon his carrying him the news of the defeat of the Rebels at Culloden Whereupon Mr Danbuz said that he was at Cork when the news of the Rebels defeat was brought thither that he soon after sailed for North Carolina where he went on shore and acquainted the Governor who received it very coldly and he

happening to have a list of the Rebel chiefs killed and taken prisoners, the Governor upon reading it expressed a concern for them as many of them being his acquaintance and schoolfellows—that he had several times been with the Governor before on occasion of letters which he brought to him from the Offices here and was always kindly received till this time And altho' this was the first news of this event there was not rejoicings made which occasioned much surprise and Mr. Danbus being asked whether he had ever brought any letter from Gov^{r} Johnstone to England he said he never had tho' it was usual with him to call upon the Governor a week or a fortnight before his ship sailed for that purpose. Then in order to prove the issuing injunctions upon judgments of the inferior Courts and not holding Courts of Chancery Mr. Morris called upon Mr. Arthand for an account thereof who acquainted their Lordships that he went to Carolina in the year 1739 and resided there until the year 1742 where he acted as an Attorney and had many causes in the Courts there in most of which as well as all other Actions injunctions were granted by the Governor as Chancellor upon an application to him and no Court of Chancery held for determining thereupon and that there was great irregularity in entering up judgments by the Clerk of the General Court and none or very imperfect records kept The issuing injunctions and not holding Courts of Chancery was confirmed by Mr. Corbyn and Mr. Macculloh who said that he remembered but three Courts held in seven years and in order to show their Lordships how far injunctions had been carried he acquainted them that one Mr. Lithgow a gentleman of credit in that Country having purchased a plantation from one Mr. Grey on which plantation Roger Moore one of the Council was at the time of such sale cutting down timber and burning Lightwood to make tar Mr. Lithgow would not suffer Mr. Moore after he had made the purchase to carry off the tar upon which Mr. Moore did it by force and threatned to sue Lithgow for Barretry afterwards Lithgow having determined to leave the Province in order to reside in New England for his health and having accordingly disposed his affairs for that purpose was embarked for his departure when Roger Moore applied to Mr. Rice Secretary of the Province and made oath that he intended to take out an action of £2,000 Sterling against Lithgow and desired a Warrant to seize him which was granted him and Mr. Lithgow was accordingly forcibly taken from the ship upon which he was embarked Whereupon he gave in bail the next Court of Assize and brought in a Bill of Indictment against Moore and Rice who thereupon applied to the Governor to stop the proceedings and he accordingly issued an injunction and would not allow the matter to be tryed.

Then Mr. Abercromby acquainted their Lordships that he had no answer to make to accusations so extremely irregular null of themselves and unsupported with any evidence but hoped their Lordships would grant him a copy of the Report they should make on this affair Whereupon all parties were ordered to withdraw.

Tuesday February 7th 174$\frac{8}{9}$.

Their Lordships took into consideration the complaints of Mr. Corbyn, Morris and others against Mr. Johnston Govr of North Carolina, and ordered the draught of a letter thereupon to his Grace the Duke of Bedford to be prepared in answer to his Grace's letter to them referring the said Complaints mentioned in the Minutes of the 24th of last month.

Thursday [Tuesday] Febry 14th 174$\frac{8}{9}$.

Read a Memorial from Mr. Jas. Abercromby Agent for the Province of North Carolina dated the 13th inst. setting forth the irregularities of the Complaint lately made against the Governor of that Province and his not being at liberty to object thereto desiring he may be heard in defence of his Constituents before the Board shall make any report thereupon and that he may for that purpose have copies of such Articles of Complaint as have been admitted by the Board in order to transmit the same to the Parties concerned for their Answers thereto.

Wednesday Febry 15th 174$\frac{8}{9}$.

Mr. Abercromby attending as had been desired their Lordships acquainted him that having received a Memorial from him relative to a late hearing at the Board upon complaints against Mr. Johnstone Governor of North Carolina setting forth that he has not been at liberty to object to the irregularity and informality of the accusers and as their Lordships apprehended he was at liberty when he attended upon this affair to have made what objection he had thought proper they desired to know what he meant by saying he had not such liberty Whereupon he acquainted their Lordships that as the persons who were accusers were particularly mentioned in the Duke of Bedford's letter to this Board which was thereby required to call the said persons before them to examine into the complaints he did not think himself in that case at liberty to object to them Their Lordships then acquainted him that with respect to what he desires in the said Memorial of having copies of such articles of the said Complaint as have been admitted by the Board and that he may be heard in defence of his Constituents before any report was made thereupon no such Articles of Complaint had been laid before the Board in

writing and no report was as yet made upon this affair nor had their Lordships determined in what manner they should lay the same before the Duke of Bedford.

The draught of a letter to his Grace the Duke of Bedford relating to the complaints of M^{r} Corbyn Morris & others against the Governor of North Carolina having been prepared pursuant to the Minutes of the 7th inst. was laid before the Board agreed to and ordered to be transcribed and signed February 20th

Wednesday June 21st 1749

Read a letter from M^{r} Johnston Governor of North Carolina to the Board dated at Edenton 28 Dec. 1748 acquainting the Board with his not having received the Order of Council to send over evidence relating to the petition of the five Northern Counties in that Province against an Act passed there to abridge their privileges.

Ordered that M^{r} M^{c}Culloh be desired to attend the Board on Wednesday the 28th inst. upon the subject of the said letter.

Wednesday June 21st 1749.

Read Copy of an Order of Council dated 16 March 174$\frac{8}{9}$ approving the draught of an additional instruction prepared by this Board for Gabriel Johnston Esq. Governor of North Carolina empowering him to make a Grant or Grants of land to certain Palatines in that Province &c.

Thursday July 6th 1749.

Read a Memorial of M^{r} Henry M^{c}Culloh appointed by his Majesty in 1739 Com^{r} for supervising inspecting and controlling the revenues and grants of lands in the Provinces of South and North Carolina complaining of several hardships and injustices done to him by the Governor and other Officers of the Province of North Carolina.

Ordered that the Secretary do write to M^{r} M^{c}Culloh to desire his attendance at the Board tomorrow morning at eleven of the clock upon the subject of the said Memorial.

Friday July 7th 1749.

Mr. M^{c}Culloh attending as desired was informed that their Lordships intended to transmit a copy of his Memorial mentioned in the preceding Minutes to Mr. Johnston the Gov^{r} of North Carolina for his answer to the charge against him therein contained whereupon he prayed their Lordships that Commiss^{rs} might be appointed to take evidence of both parties and that all such parties [papers] as should be required in support of the charge might be transmitted under the seal of the Province whereupon he was ordered to withdraw and their Lordships after some time spent in

the consideration of this affair gave directions to the Secretary to transmit a copy of the said Memorial to Mr. Johnston the Governor of the said Province for his answer thereto and desire him to return such depositions and proofs in his behalf as he should think giving liberty at the same time to Mr. M^{c}Culloh or any other person concerned to make affidavits before any Judge or other Magistrate of what they knew concerning the said Complaints the said proofs and affidavits to be mutually interchanged and twenty days allowed for reply of affidavits or otherwise to be likewise interchanged and transmitted to their Lordships without loss of time that he do also enjoin the Secretary to give copies from the records to the complainant or any other concerned of any papers required by them to make good their charge and that all depositions as well as copies of any records be transmitted under the seal of the Province and Mr. M^{c}Culloh being again called in was acquainted therewith. Their Lordships at the same time acquainted Mr. M^{c}Culloh that they having received a letter from Mr. Johnston Governor of North Carolina dated the 28th Dec. last wherein he acquaints them that he had not received the Order of Council requiring him to transmit over evidence relative to the petition of the Representatives of the five Northern Counties in that Province they desired to know at what time the said Order was transmitted by him to the Petitioners Whereupon he said he hoped their Lordships would excuse his not attending on Wednesday the 29th of last month pursuant to notice given him for that purpose but that he was prevented by a dangerous illness of his son that he received the Order from the Council Office the 18th Aug. last and sent it in the same month and another copy some time after that the first miscarried and he learnt from a letter which he received from North Carolina dated in January last that the second copy was but then arrived.

Friday July 14th 1749.

Read a letter from M^{r} Johnston Gov^{r} of North Carolina to the Board dated at Edenton May 10th 1749 acquainting the Board with his having sent an Answer to the Complaints of Peter Payne & against him and vindicating himself from the accusation of being a Jacobite.

Wednesday July 19th 1749.

Read a letter from M^{r} Johnston Gov^{r} of North Carolina to the Board dated at Edenton the 4th April 1749 containing his reasons for passing an Act for emitting £21,350 in Bills of Credit without a suspending clause & transmitting the following public papers Viz^{t} Minutes of Council from 21 March 174$\frac{7}{8}$ to 15 October 1748. Copy of all the Laws passed in North Carolina from Nov^{r} 1746 to Oct^{r} 1748.

Ordered that the said Laws be sent to Mr Lamb for his opinion thereupon in point of law as soon as conveniently may be

Ordered that a copy of the above letter from Mr Johnston and also an extract of so much of one mentioned in the minutes of the 14th inst. as relates to his vindication of the charge against him for being a Jacobite be prepared together with the draught of a letter for inclosing the same to the Duke of Bedford.

Thursday July 27th 1749.

The draught of a letter to the Duke of Bedford inclosing copies of two letters from Mr Johnston Governor of North Carolina ordered to be prepared by the Minutes of the 19th inst. was laid before the Board and signed

Wednesday Augt 2d 1749.

The draught of a letter to Mr Johnston Governor of North Carolina in answer to several from him was laid before the Board agreed to and ordered to be transcribed

Friday November 10th 1749.

Read a letter from Mr Johnston Govr of North Carolina dated at Edenton 15th July 1749 giving the Board an account of the present state of his Maj. Council in that Province.

[From the MSS. Records of North Carolina Council Journals.]

COUNCIL JOURNALS.

At a Council held at New Bern 3d April 1749

Present His Excellency the Governor

The Honble { Nath Rice, Eleazer Allen, Math Rowan; Edwd Moseley, Roger Moor, Will Forbes } Esqrs Members of Council

Read the following Petitions for Warrants for Land Vizt

Roger Moor 200 Craven, Duncan McConshey 200 Bladen, Archibald Clark 200 Do, John Clark 150 Johnston, John Clark 150 Do, Malcolm Smith 100 Bladen, John Maddocks 500 Craven, Dennis Cannon 100 Do, William Waite 100 Bladen, James Welch Junr 300 Do, John Bryan 50 Do, Thomas Bryan Jr 100 Do, James Odam 640 Do, James Odam Junr 250 Do, Aaron Odam 100 Do, Gideon Gibson 100 Do, Ralph Miller 300 Anson, Ralph Miller 300 Anson, Samuel Carver 500 Bladen, William Maltsby 250 Do, Daniel McNeal 150 Do, Thomas Anderson 200 Do, George Fagan 200 Do, Abraham Duncan 300 Beaufort, John Tindhall

150 D°, Joseph Motte 200 New Hanover, Daniel Love 36 Ditto, Lazarus Peirce Jun^{r} 200 Beaufort, Francis Clark 200 New Hanover, Alexander Rouce 87 D°, Samuel Ratcliffe 200 Johnston, Robert Hines 50 D°, Robert Cook 300 New Hanover, William Bush 425 New Hanover, William Whitefield 100 Johnston, Abraham Boyd 600 Bladen, D° 200 D°, D° 100 D°, Edmund Cartlidge 200 D°, D° 200 D°, Thomas Everton 200 Craven, William Forbes 100 Bladen, Hopkin Howell 600 D°, Benjamin Horn 150 D°, Thomas King 400 Craven, John M^{c}Coy 150 Bladen Granted.

Read the Petition of Robert Taylor for one hundred Acres of Land in Johnston County Granted

His Excellency the Governour was pleased to acquaint the Council that Walter Lane, Thomas Masters and Joseph Carruthers had been recommended to him, in Order for his Appointment of one of them to execute the Office of Sheriff for Craven County and asked their opinion with regard to the most fitting Person to be named for that purpose Who having considered thereof advised his Excellency as their Opinion that Walter Lane of the three was the most proper person to execute the said Office. And accordingly it was Ordered that a Commission issue constituting and appointing the said Walter Lane Sheriff, for and within the County of Craven.

The following persons on Motion were admitted to prove their Rights Viz^{t}

Edmund Cullen 6 whites in Craven County, Jonathan Cullen 4 d° in d°

At a Council held at New Bern 5th April 1749.

Present His Excellency the Governour

The Hon^{ble} { Nath Rice, Math Rowan, Edward Moseley } { Roger Moore and Will Forbes } Esq^{rs} Members of Council

Read Sundry Petitions for Warrants for Land as follows Viz^{t}

William Routledge 100 Craven, Benjamin Fuzzel 100 New Hanover, John Prescot 100 Craven, Mathew Rowan Esq^{r} 50 New Hanover, Andrew Lamberd 600 Anson, Hugh Blanings Jun^{r} 200 Bladen, Thomas Potts 500 Anson, Tyree Harris 600 D°, William Shirrel 400 D°, Samuel Beasam 400 D°, Jacob Faulkenberry 150 D°, William Kemp 400 D°, George Dobbs 150 D°, Henry Bedingfield 200 D°, William Bedingfield 150 D°, Joseph White Jun^{r} 250 D°, Joseph White & Fra^{s} Mackilwean 500 D°, Edmund Mitchel 300 Craven, Benjamin Jackson 200 Anson, Jonathan Cullen 200 Craven, Edmund Cullen 200 D°, D° 640 D°: Granted

Read the petition of Edmund Smithwick setting forth that he obtained the Kings patent for three hundred acres of Land lying in Craven County between little River and upper Bear Creek And conceiving there is more Land contained within the Courses and distances of the said patent than is therein specified. He humbly prays a Resurvey to be made thereof Granted and Ordered that the Surveyor General do cause a Resurvey to be made thereof Accordingly, and make a report thereof to this Board their next Sitting.

Read the following Petitions for Grants for Patents, Viz^{t}

William Houston 150 New Hanover, William Henderson 640 Johnston, Anthony Herring 280 Craven, Alexander M^{c}Alister 200 Bladen, James Adams 600 Beaufort, Thomas Farmer 1172 Johnston, Simon Burney 400 Beaufort, Edmund Rocke 300 Bladen, Arthur Mabson 640 Carteret, Joseph Everitt 200 Johnston, James Barber 150 D^{o}, Abraham Boyd 300 Bladen, D^{o} 100 Johnston, Thomas Sasser 150 D^{o}. Granted

At a Council held at New Bern 6th April 1749

Present His Excellency the Governour

The Hon^{ble} { Nath Rice, Math Rowan, Eleazer Allen, Will Forbes } Esq^{rs} Members of Council.

Read the following Petitions for Warrants for Land Viz^{t}

John Rouces 150 Johnston, John Ricket 160 Bladen, John M^{c}Daniel 100 New Hanover, John Carthey 400 Anson, George Carthey Jun^{r} 400 D^{o}, George Carthey 400 D^{o}, D^{o} 400 D^{o}, Samuel Coburn 800 D^{o}, John Carrold 200 New Hanover, Daniel Cox 400 Craven, Francis Mackilwean 200 Anson, John Roberts 100 New Hanover, Peter Gilshap 350 Craven, Francis Oneal 1,500 New Hanover. Granted

Read Sundry Petitions for Grants for Patents for Land Viz^{t}

Alexander M^{c}Cullohs 1000 New Hanover, John Williams 400 Johnston, Alexander M^{c}Culloh 500 Bladen, Henry & Jacob Wells 200 New Hanover, Simon Player 200 D^{o}, Robert Hatcher 250 Johnston. Granted

His Excellency was pleased by and with the advice and consent of his Majesty's Council, to Order that a Commission issue Constituting and appointing Caleb Grainger Sheriff for and within the County of New Hanover.

At a Council held at New Bern 7th April 1749

Present His Excellency the Governour

The hon^{ble} { Eleazer Allen, Math Rowan, Edward Moseley, Roger Moor and Will Forbes } Esq^{rs} Members of Council

Read this day at the Board the several Petitions of Hector M^{c}Neal and Malcolm Smith for certain Lands in Contest between the Parties

Scituate in Bladen County on the south side of the North West Branch of Cape Fear River about Twenty miles above Rock fish Creek being the surplusage found upon a resurvey of a Tract granted unto Col° James Innes, which, as Assignee of whom the said Smith claimeth. The Allegation of the parties and the Arguments offered on both sides being fully heard and considered his Excellency was pleased to ask the Opinion of the Council thereon who unanimously declared their sentiment in favour of the Petitioner Smith And accordingly it is Ordered that the said Malcolm Smith have a Warrant for such or whatever part of the Land as appears to be within the Lines or Bounds of his Tract on the South West side of the aforesaid River, he resigning to the said M°Neal all right and pretensions to the Land on the other side thereof

Mr. Lovett acquainted the Board that in a Contest at a former Council between Jacob Sheets and Patrick Stanley in relation to certain Land upon the Determination of the matter it was adjudged and Ordered that Jacob Sheets should pay unto the said Patrick Stanley whatever Money he should make appear he had disbursed on Account of the Survey of the same, But the said Order thro' some means being omitted to be entered in the Council Journal the said Sheets had hitherto refused to pay any Obedience thereto, And thereupon He moved in behalf of the said Patrick Stanley that the same might either be confirmed against the said Jacob Sheets or renewed. The Board having considered of Mr. Lovetts report and Motion thereon, Resolved that such non-entry or omission should not tend to vacate the aforesaid Order of Council but that the same do stand and have its effect with regard to the said Patrick Stanley according to the End and Intention thereof

Read the following Petitions for Warrants for Land, Viz^{t}

John Ferris 150 Craven, Thomas Williams 100 D°, John Payne 200 D°, Daniel McKikin 200 Bladen, George Nicholas 640 D° Granted

Read Sundry Petitions for Grants for Patents Viz^{t}

Peter Matthews 200 Craven, Francis Stringer 300 D°, Thomas Holmes 150 Anson, John Clark 200 D°, John Bradshaw 300 Johnston, Peter Gillstrap 350 Craven, James Jewers 400 Anson, William Adkins 150 D°, John Ellarby 150 D°, James Cheyne 300 Craven, Robert Riley 200 D°, Robert Riley 250 D°, Thomas King 400 D°, Frederick Isler 400 D° Granted.

Read the petition of Thomas Lovick Esq^{r}, setting forth that he together with Evan Jones and Thomas Walker are by Mesne Conveyances in possession of a Tract of six hundred and forty Acres granted by the late Lords Proprietors to John Lawson scituate on the south side of Neuse River and on the East side of Clubfoots Creek. And the Petitioner being

apprehensive that thro' some mistake of the Surveyor his Plantation is left out of the Boundary of the said Patent humbly prays a Resurvey thereof. Granted and Ordered that the Surveyor General resurvey the same accordingly, and make a report thereof to this Board at their next sitting.

His Excellency the Governour was pleased by and with the advice and consent of his Majesty's Council to Order that a Commission issue Constituting and appointing Aaron Tyson Sheriff for and within the County of Hyde

Mathew Rowan Esq^{r} exhibited in Council a Patent to Samuel Baker for six hundred and forty Acres of Land lying in Bladen County on the South West side of the North West Branch of Cape Fear River lower side Mr. Rowan's Land dated the 19th day of June 1736. Praying that the Courses therein S° 45 W^{t} 160 then N° 45 W^{t} 140 may be altered as well as the Record thereof to S° 45 W^{t} 160 S° 45 E^{t} 140 which was Granted and accordingly done in Council.

Then the Council adjourned till 3 °Clock in the Afternoon.

The Council met according to adjournment.

Present His Excellency the Governour.

The Hon^{ble} { Nath Rice, Eleazer Allen, Math Rowan, Edward Moseley, Roger Moore, Will Forbes } Esq^{rs} Members of Council

Read several Depositions taken by the Chief Justice pursuant to an order of Council made in June 1746 upon the Memorial of John Benbury of Chowan setting forth that William Luten Esq^{r} one of the Justices of the said County had behaved unworthily in his Office and Contrary to the Duty of a Magistrate; Which appearing to the Governour and Council upon the return of the said Order, his Excellency was therefore pleased by and with the advice and Assent of his Majestys Council to Order the said William Lutens name to be struck out of the Commission of the peace for Chowan County, And that accordingly the Chairman do strike out the same at the next County Court.

At a Council held at New Bern 11th April 1749

Present His Excellency the Governour.

The Hon^{ble} { Nath Rice, Eleazer Allen, Math Rowan, Edward Moseley and Roger Moore } Esq^{rs} Members of Council

Read the following Petitions for Warrants for Land Viz^{t}

John Whitlys 200 Johnston, Emanuel Dees 100 D°, William Dees 100 D°, Gideon Allen 200 D°, Benjamin Williams 200 D°, John Smith

100 New Hanover, D° 150 D°, John Blackman 200 Johnston, John Smith 300 D°, Samuel Moor 200 Onslow, William Morgan 200 D°, Philip Millar 200 Bladen, John Williams 300 Craven, Robert Davis 150 D°, Florence Sex 100 D°, John Fishpoole 150 Johnston, Abraham Boyd 400 Anson, John Becton 100 Craven, James Davis 100 Johnston, John Mackilroy 100 D°, John Price 300 Anson, Peter Ellet 200 D°, Mark Finch 640 Anson, Reese Price 600 Anson, Robert Brown 600 D°, John Clark 1000 D°, Thomas Cox 640 D°, James Bearfield 100 New Hanover, Alexander M°Culloh 100 D°, John Carruthers Junior 150 Craven, James McGee 640 Anson, James Mackilwean 1000 D°, John M°Gee 640 D°, Richard Graham 400 D°, Andrew M°Gee 640 D°, D° D° 500 D°, George Davison 300 D°, Thomas Robertson 400 D°, Thomas Dill 400 D°, James Dill 400 D°, Mathew Dill 400 D°, William Dees 100 Johnston Granted

Read the following Petitions for Patents for Land Viz^{t}

Richard Mason 200 Craven, Edmond Cullen 640 D°, Anthony Mitchel 200 Onslow, Anthony Williams 200 New Hanover, John Dudley 300 Onslow, John Nelson 156 Carteret, Daniel Love 36 New Hanover, John Rouce 320 Johnston, Peter Debush 150 New Hanover, Michael Higgins 200 Johnston, Walter Gibson 200 Anson, William Arrendall 95 Johnston, Francis Benton 220 D°, Gibson Martin 200 D°, John Jones 300 D°, Burlingham Rud 300 Bladen, John Pressly 200 D°, Thomas Armstrong 200 D°, D° 400 D°, William Dupee 300 Craven, John Yeats 300 D°, Thomas Farmer 200 Johnston, Jacob Farrow 400 Currituck, Jacob Ipock 80 Craven Granted

Read the Petition of Edward Connor setting forth that Martin Trentham some time since obtained his Excellency's Warrant for four Hundred Acres of Land situate in Bladen County on the North West river of Cape Fear, joining Captain Moores back Line of his patent Land at a Place called Lord's Creek. Which has been duly executed, but Thomas Jones Surveyor altho' he has been importuned thereto, has failed to make a return thereof to the prejudice of the Petitioner, in as much as having purchased the said Land of the aforesaid Trentham and engaged to take out the Patent for the same he is thereby both hindered from obtaining a Patent and consequently a Title to the premises, Praying that the said Jones may be compelled to make a return of the aforesaid Warrant, that so the Petitioner may be enabled to fulfil his Engagement and the said Martin Trentham to execute a Deed pursuant to the purchase aforesaid

Ordered that the Surveyor General have Notice hereof, and that accordingly he direct the said Thomas Jones not to fail in making a return of the aforesaid Warrant into the Secretarys Office by the next Court of Claims at farthest

Eleazer Allen Esq[r] Receiver General observed to the Board that Sundry Persons had lately obtained Warrants for Land and still continued to take up who had either neglected or refused to pay the Rents due from them to his Majesty for many years past whereby they had rendered themselves he apprehended very unworthy of such indulgence; And thereupon he moved in behalf of his Majesty that no Warrants for Land might hereafter be granted to persons so in arrear untill they shall have fully paid and discharged the same Which being considered by his Excellency and the Council, it is Ordered accordingly that for the Future no Person shall be admitted to take up any Land till he shall have fully discharged and paid off the Arrears of Rent for the Lands by him already holden.

Ordered that for the future no Person keeping Ordinary be recommended to the Governour to be Appointed Sheriff for any County within this Province and to that End that Copies of this Order be transmitted to the several and respective County Courts within the same

His Excellency the Governour was pleased by and with the Advice and Consent of his Majestys Council to Order that a new Commission of the peace and Dedimus issue for Anson County constituting and appointing James Mackilwean, Joseph White, Charles Robertson, Edmund Cartlidge, William Philips, Samuel Davis, Thomas Smith, James Cathey, John Holmes, Alexander Osborn, Walter Carooth, John Brevard and John Brandon Esq[rs] Justices of the Peace for and within the County of Anson.

His Excellency the Governour was likewise pleased by and with the Advice and Consent of his Majestys Council to Order that a New Commission of the peace and Dedimus issue for Bladen County appointing Hugh Blaning, Griffith Jones, Joseph Clark, Daniel M[c]Neil, William Bartram, James Lyon, Samuel Baker, Benjamin Fitzrandolph, Ralph Millar, John Brooks, John Grange, Thomas White, John White, Timothy, Terrill Esq[rs] Justices of the Peace for and within the County of Bladen.

Read the petition of Edward Connor Shewing that [at] a former Council he obtained an Order for the resurvey of a Tract of Six hundred and forty Acres in Bladen County thereby to discover a Mistake which the Surveyor had committed in the first Survey but Thomas Jones Deputy Surveyor to whom the said Order was directed having neglected to execute the same altho he was upon the spot and often importuned by the Petitioner thereto. He humbly prays that the said Jones may be compelled to perform his Duty therein.

Ordered that the Surveyor General have Notice hereof and that accordingly he direct the said Thomas Jones to make a Resurvey of the Premises forthwith, and report the same to this Board at their next Sitting agreeable to the tenour of the aforesaid Order of Council.

At a Council held at New Bern 13th April 1749

Present His Excellency the Governour.

The Hon^ble { Nath Rice, Edward Moseley, Eleazer Allen, Roger Moore, Math Rowan, William Forbes } Esq^rs Members of Council

Read the Petitions of the following Persons for Warrants for Land Viz^t

John M^cGees 300 Anson, Samuel Negus 100 Carteret, John Fryar 200 New Hanover, Nehemiah Scott 200 D^o, Seth Johnson 100 Craven, Francis Mackilwean and Joseph Carruthers 200 Johnston, Robert Kilcriss 200 Anson, Thomas Thompkins 200 D^o, Samuel Hough, 300 D^o, George Holmes 100 D^o, Andrew Killens 1000 D^o, D^o 1000 D^o, Samuel Wilson 600 D^o, Robert Runax 375 D^o, Robert Sepper 375 Anson, Joseph M^cDowall 540 D^o, John Belty 400 D^o, Edward Givins 375 D^o, Thomas Robertson 250 D^o, Thomas Stockley 150 Onslow, John Rice 400 Bladen, Lenard Killen 1000 Anson, John Killen 1000 D^o, Thomas Thompkins 200 D^o. Granted.

Read the following petitions for Grants for Patents Viz^t

John Smith 456 Craven, John Russet 200 D^o, Richard Hart 100 D^o, Thomas Stevens 160 D^o, Samuel Berry 200 D^o, James Perkins 200 Beaufort, Thomas Suggs 500 New Hanover, Horatio Woodhouse 330 Onslow, Francis Mackilwean and Joseph White 500 Anson, Francis Mackilwean 200 D^o, John Clark 400 D^o, Andrew Moorman 400 D^o, George Dobbs 150 D^o, George Kernegee 100 Craven, D^o D^o 50 New Hanover, George Kearnegee 50 New Hanover, Solomon Ogden 250 D^o, Simon Holmes 400 Craven, Richard Ogden, 100 New Hanover, Nathan Giles 200 Johnston. Granted.

Read the Petition of William Cole setting forth that Lewis Conner under the late Lords proprietors is Patentee of a parcel of Land containing five Thousand Acres, or thereabouts; Scituate in Carteret County, known by the name of Cedar Island, being now in the possession of Samuel Smith, And the Petitioner conceiving there is a vast Quantity of Land contained within the Courses and Distances of the said patent more than the same specifies. He humbly prays a Resurvey. Granted and Ordered that the Surveyor General resurvey the same Accordingly, and make a report thereof to this Board at their next sitting

His Excellency the Governour was pleased with the Assent of his Majesty's Council to Constitute and appoint Edward Ward Sheriff for and within the County of Onslow. Ordered that a Commission accordingly issue for that purpose.

His Excellency was likewise pleased by and with the advice and Consent of his Majesty's Council to Order a new Commission of the Peace and dedimus issue for Craven County Constituting and appointing Edward Griffith, John Bryan, John Carruthers, Daniel Shine, Evan Jones, Henry Heylin, Elias Ligardere, Joseph Bulch, John Clitherall, Thomas Graves, Hardy Bryan and Southey Rew, Esq^{rs} Justices of the Peace for and within the County of Craven

At a Council held at New Bern 14th April 1749

Present His Excellency the Governour

The Hon^{ble} { Nath Rice, Eleazer Allen, Math Rowan, Edward Moseley, Roger Moor, Will Forbes } Esq^{rs} Members of Council

Read the following Petitions for Warrants for Land Viz^{t}

John Fredrick Margals 300 Craven, Simon Beasley 100 D^{o}, John Fonvielle 600 D^{o} Granted

Read Sundry Petitions for Grants for Patents, Viz^{t}

John Hoard 260 Beaufort, Arthur Johnston 100 Craven, George Norris 200 D^{o}, Thomas Nelson 300 Carteret, Nathaniel Everit 200 Onslow, James Cheyne 200 Craven, George Kernegee 100 D^{o}, John Nelson 80 D^{o}, Thomas Nelson 640 Carteret, D^{o} 50 D^{o}, William Kemp 400 Anson, Thomas Williams 225 Beaufort Granted

Read the petition of John Nelson shewing that Richard Smith obtained from the late Lords proprietors a Patent for nine hundred Acres of Land situate in Craven County on the North side of Neuse, Powells Creek which is now in the possession of the Petitioner: Who conceiving there's more Land contained within the courses and distances of the said Patent, than is herein mentioned, He humbly prays a Resurvey which is Granted and Ordered that the Surveyor General resurvey the same accordingly and make a report thereof to this Board at their next sitting

John Fredrick Margals moved the Board for leave to be admitted to prove his Rights which was Granted and he makes Oath that his Family residing in Craven county consists of six white persons

Read the petition of John James shewing a certain error in his patent and plat praying an alteration thereof Viz^{t} the first Course *North* 20 *East* 132 be made *North* 48 *East* 132 *poles to a stake* which was granted and the patent and plat rectified accordingly in Council

By order JOHN RICE C C

NORTH CAROLINA.

At a Council held at New Bern 28th September 1749

Present His Excellency the Governor.

The Honble { Eleazer Allen Roger Moore } Esqrs Members
{ Will Forbes } of Council

Read the Petition of Cornelius Lynch praying an Order for resurveying of two several Tracts belonging to James Mackilwean and Edmund Smithwick respectively which in regard they not being present is postponed till tomorrow and Ordered that the said James Mackilwean and Edmund Smithwick do then appear and lay their Patents before this Board.

His Excellency the Governour was pleased to lay before the Board a Copy of an Order of the Right Honourable the Lords of the Committee of Council for plantation affairs together with a copy of the humble petition of the Palatines in North Carolina to His Majesty which Order was read being as follows Vizt

At the Council Chamber Whitehall the 13th day of July 1747

By the Right Honourable the Lords of the Committee of Council for Plantation Affairs.

His Majesty having been pleased to refer unto this Committee the humble Petition of the palatines in North Carolina, complaining of Colonel Thomas Pollock for having disposed them of their Lands in that province which were granted them being by her late Majesty Queen Ann, And humbly praying his Majesty will be graciously pleased to restore them to the possession of their said Land at any term of Rents under His Majesty as shall be thought meet The Lords of the Committee this day took the said petition into their Consideration and are hereby pleased to refer the same (a Copy whereof is hereunto annexed) to the Lords Commissioners for Trade and plantations to Consider thereof and report their Opinion thereupon to this Committee

Signed Wm SHARPE

Then was read the Petition of the Palatines to His Majesty, being as follows Vizt

To his most Excellent Majesty King George the Second King of Great Britain Scotland France and Ireland Defender of the Faith

The Humble Petition of the Palatines in North America Humbly Sheweth

That your Petitioners being sent six hundred in Number by her most gracious Majesty Queen Ann into America under the Care of Christo-

pher Gravenreed Barronet her Majesty of her bountifull kindness paid each man Twenty shillings Sterling for to purchase Necessarys for their peopling and settling her Plantations in North America And Gentlemen of England raised the like sum with six pair of hand mill-stones and two pair of water mill-stones for like purpose which said sums and mill stones your Petitioners put into the care of their Trustee aforesaid, who promised to pay them in North Carolina three Pounds for one received from them in England

That your Petitioners, pursuant to her Majesty's Proclamation sent to Germany in the year of our Lord One thousand seven hundred and eight had their Lands laid out to them (to wit) to each Family two hundred and fifty acres That your Petitioners Trustee Baron Gravenreed aforesaid entered into an agreement with them to find each Family two Cows and calves and a Bull, two sows and pigs and a Boar two Ewes and Lambs and a Ram which said stock your petitioners were to have in possession for the space of seven years and at the Expiration of such Term to deliver their said Trustee the said Principal and at Expiration of five years of said Term to pay him the yearly rent for two ℔ currency ℔ acre.

That in the year of our Lord One Thousand seven hundred and nine your petitioner arrived in America and in the year 1711 Indians broke out against and destroyed several Familys in which enterprize our Trustee was taken by the Indians whilst he was yet amongst them We expected him killed then came one Thomas Pollock who ruled both Governour and Country and acted in behalf as a General send to his Captain William Brice to take all the Dutch that were able to bear Arms and meet him at an Indian Town which was about six Leagues from our Inhabitants accordingly we did but he never met but left us to sit two days and one night with the Indians soon after Gravenreed was brought in but did not stay long with us who carried off from our Settlements all that he could conveniently come at promising to return with provisions and necessarys for the War but never returned nor made the least satisfaction for these Things received nor the Money allowed us by her most Gracious Majesty or the Gentlemen of England with Two hundred pounds which we also put into interest at our departure from England.

That as soon as our Trustee departed the said Colonel Thomas Pollock came to our Settlements and took every thing even the Mill stones and left us without any Assistance intirely naked to the mercy of the Indians.

That at the Expiration of four years the Indian War ended and then came the said Pollock and took our Lands from us that we had in Vir-

tue of her Majestys Proclamation laid out to us We your distressed Petitioners being in an unknown part of the world and quite destitute of any assistance was obliged to submit to him the said Pollock who under Colours of a relapsed pattent holds the Land to this Day.

That in the year One Thousand seven hundred and forty seven, the fifth day of January the Heir of Colonel Thomas Pollock came to our Plantations to turn us off from our possessions by virtue of Authority in order to settle the Rebels the Scots in our Possessions it being in the dead time of Winter not knowing which way to go with our Familys by which we were compelled to give him our Bonds for as much as he was pleased to ask.

That your Petitioner most humbly prays that your most sacred Majesty will be pleased to award us Your poor Petitioners who have undergone the Fatigues of so long and Tedious a War against the Barbarous Indians a Decree for our said Land and at any Term of rents under Your most gracious Majesty, as to your Majesty may seem meet

And your Distressed Petitioners as in Duty bound will ever pray

Signed

PHILIP FENEYER	HENRY GREST
CHRISTIAN ESLAR	JACOB MILLER
HERMAN GRUM	CHRISTIAN WALKER
PETER ENDER	MATHIAS REASONOVER
JOSEPH PUGAR	DENNIS MOOR
ADAM MOOR	JOHN GRANADE
ABRAHAM BUSIT	JOHN RIMER
HENRY MORRIS	MICHAEL GESIBEL
JACOB EIBACH	CHRISTIAN BAVER
NICHOLAS RIMER	PETER REYET
JOHN KINSEY	MICHAEL KISER
ANDREW WALLIS	PETER LOTS
JOHN SIMONS	DANIEL TETCHEY
DANIEL SIMONS	PETER PILLMAN
GEORGE SNEIDOR	ABRAHAM BAVER
FREDERICK MARKET	CHRISTIAN GANTER
CASPER RISHEED	SIMON KEHLER
MICHAEL SHELFER	JACOB HUBER
JNO. LEKGAN MILLER	JNO. BERNARD SHONE WOOLF
GEORGE RENEGE	CHRISTAIN HUBBACH
JOHN KENSEY	PHILLIP OMEND.

His Excellency was pleased to acquaint the Board that he had received a Letter from the Right Hon^ble^ the Lords of Trade and plantations signifying that they have made their Report to the Lords of the Committee of Council upon the Petition of the palatines in this Province. And in regard of the ill Treatment they appeared to have met with advised the making them a Grant equivalent to what they were formerly possessed of and had recommended it to his Excellency to give Encouragement Assistance and protection. Which the Governour Ordered to be read which is in these words Viz^t^

SIR

We have received Your Letter dated the 17^th^ of May last and the Papers therewith Transmitted.

We have made our Report to the Lords of the Committee of Council upon the Petition of the Palatines in your Province And in Consideration of the ill Treatment and Hardships they appear to have met with We have advised the making them a Grant of Land equivalent to what they were before possessed of, and we recommend it to you to give them all Encouragement Assistance and Protection in your Power.

We doubt not but that before this comes to your Hands You will have Received his Majestys Orders to transmit the Evidence necessary for our information upon the Law which you mention for an Equal Representation in the House of Burgesses in consequence of our Report to the Lords of the Committee of Council upon the Petition of the Inhabitants of the Northern Counties against that law but we must acquaint you that we have not Received the Law for fixing the seat of Government and therefore desire you will forthwith transmit to us a Copy thereof under the Seal of the Province and that we may be the better enabled to report our opinion on the situation of Affairs in your Government which we have now under our Consideration We desire you will likewise send us the State of the Province which you so long since acquainted us you was preparing. So we bid you heartily farewell and are Your very loving Friends and humble Servants

B LEVESON GOWER
DUPPLIN
FRAN. FANE

Then His Excellency was pleased to lay before the Board his Majestys Royal Instruction in Relation to the said Palatines which was also read being as follows Viz^t^

GEORGE R

Additional Instruction to our Trusty And well-beloved Gabriel Johnston Esq^{r} Our Captain General and Governour in Chief in and over our Province of North Carolina in America or to the Commander in Chief of our said province for the Time being Given at our Court of St James' the sixteenth day of March 1748, in the Twenty second year of our Reign

Additional Instructions

Whereas an humble petition hath been presented unto us by several palatines Inhabitants within Our province of North Carolina complaining of their having been formerly dispossessed by Col^{o} Thomas Pollock of Lands granted to them in Our said Province by our late Royal Predecessor Queen Ann, and that the Heirs of the said Pollock have turned them off their Possessions, and therefore humbly praying that we would be graciously pleased to restore them to the Possession of their said Lands at any Term of Rents that we should think proper

And Whereas it hath represented unto us that there have been Proceedings at Law in our said Province between the said Col^{o} Thomas Pollock did obtain a decree in the Court of Chancery in our said Province for which Decree there has been no appeal, and that the said Lands were afterwards surveyed and patented in his name.

Now We having considered the same, as also the the Hardships which the said Petitioners who are represented to us to be a Laborious People and to have been many years settled in Our said Province, and to have been employed Manufacturing Pitch and Tar, and other usefull Commodities, have suffered by being dispossessed of their Lands as aforesaid together with the advantages that will arise to our Province by the continuance thereof a number of usefull and Industrious Inhabitants. It is our Will and Pleasure, and you are hereby directed and required forthwith to make a Grant or Grants to the said Petitioners of so much Land in our said Province hitherto ungranted, as shall be equivalent to the Lands they have been dispossessed of to be from the payment of any Quit Rent for the first Ten years, but at the Expiration of that Term to pay the accustomed Quit Rent of 4^{s} Proclamation Money for every hundred Acres to be granted agreeable to the Tenor of our Instructions to you upon that head, Provided nevertheless, and it is our Express Will and Pleasure, that you do insert a Clause in every such Grant or Grants so to be made by you to the said Petitioners, declaring that the same shall become void as to so much of the Land thereby to be granted as shall not be cultivated within Ten years from the Date of each respective Grant

and as the settlement of the said Palatines will be a great addition of strength to our said Province, and be a considerable advantage and Security to the Inhabitants thereof We do hereby direct and require you to recommend to the Assembly of Our said Province to make speedy provision in such manner as they shall think proper for defraying the Charge of surveying the Land so to be granted to the said Petitioners, and of issuing the Grants for the same and all other Charges attending such Survey and Grants G. R.

His Excellency the Governour was pleased to ask the Opinion of the Council thereon who unanimously Approved thereof. And Whereupon 'tis Ordered that Notice be given to all persons concerned in the said Petition or the Claimants of any Lands under them within this province in Virtue of a Grant obtained from her late Majesty Queen Ann that they appear before His Excellency the Governor in Council on Monday next being the second of October in Order that such Claims may be examined into

At a Council held at New Bern 29th September 1749
Present His Excellency the Governour
The Hon^{ble} { Eleazer Allen William Forbes } Esq^{rs} Members
{ Roger Moor James Murray } of Council

Read the following Petitions for Warrants for Land Viz^{t}

Roger Moore 500 Craven, Ditto 500 D^{o}, Ditto 100 D^{o}, Ditto 1000 D^{o}, Ditto 500 D^{o}, William Pringle 100 Hyde, Richard Adams 100 Beaufort, John Leith 150 Hyde, Samuel Jasper 150 D^{o}, Reading Blount 650 Beaufort, James Adams 100 D^{o}, Robert Marker 100 D^{o}, Peter Gustans & Joseph Nobles 300 Anson, Andrew Carthey 400 D^{o}, Jane Adams 300 D^{o}, Robert Brevard 640 D^{o}, Alexander Dobbin 550 D^{o}, Joseph M^{c}Dowell 400 D^{o}, Rachel Price 400 D^{o}, John Chithelen 400 D^{o}, Abington Shirrel 400 D^{o}, William Shirrel 600 D^{o}, Tyree Harris 600 D^{o}, Thomas Potts 400 D^{o}, Benjamin Jackson 400 D^{o}, Jundin Gibson 100 D^{o}, John Jakeller 640 D^{o}, Francis Mackilwean 600 Anson, Henry Somerlin 100 D^{o} Granted

Read the following Petitions for Grants for Patents, Viz^{t}

Robert Thompsons 250 Beaufort, Nathan Archibald 250 D^{o}, Joseph Gadd 316 D^{o}, Reading Blount 685 D^{o} Granted.

Read the Petition of Thomas Farmer shewing that one William Henderson had obtained a Warrant and surreptitiously a Grant and Patent for the Land he lives on for which the Petitioner has likewise a patent of an equal Date and praying in regard his being the prior Warrant, and the said Hendersons not having been regularly executed, and that he has

made large improvements on the Premises, the said Henderson's Grant may be set aside. Postponed till Wednesday next being the 4th of October, and Ordered that the Parties with their Evidences, and also Joseph Caruthers Deputy Surveyor do then severally appear before this Board, in Order to a hearing in the premises and that they have Notice thereof Accordingly.

Read the petition of John Philips setting forth that one Samuel Uxford had entered certain Land whereon he has a Plantation in the Secretarys Office as Vacant Land and prayed relief therein. Which in regard the said Uxford not being present is postponed till Wednesday next.

Read the petition of Samuel Uxford for a Tract of three hundred and fifteen Acres granted to Lionel Leigh situate in Craven County, which on motion of Mr. Samuel Swann opposing the same in behalf of John Philips is Delayed till Wednesday next

Upon the Complaint of John Maxwell John Munfree and Thomas M^{c}Clendon exhibited this day to the Board in behalf of themselves, and sundry others, Inhabitants of Johnston County setting forth, that Gilbert Kerr of the said County, had exacted, demanded and taken from them Exhorbitant and larger Taxes for the year 1748 than they ought to have paid, and prayed to be relieved in the premises. Whereupon it is ordered that the said Gilbert Kerr have Notice to appear before this Board on Wednesday next being the 4th day of October and that the parties Complainants do then likewise attend with their Proofs in Order that the Merits of the Complaint may be enquired into

At a Council held at New Bern 30th September 1749

Present His Excellency the Governour

The Honoble { Eleazer Allen James Murray } Esq^{rs} Members
{ William Forbes } of Council

Read Sundry Petitions for Warrants for Land as follows Viz^{t}

Moses Tilmans 150 Craven, Thomas Hogg 200 New Hanover, John Williams 40 Bladen, Wendell Blyler 200 Johnston, Preston Goforth 400 Anson, William Rainey 300 Johnston, William Belk 100 D^{o}, Henry Best 640 D^{o}, Edward Grantham 200 New Hanover, William M^{c}Kenney 300 Johnston, Richard Caswell Junior 600 Anson, Gilbert Kerr 200 Johnston, John Willson 200 Craven, Stephen Cade 150 Johnston, Robert Fellows 200 D^{o}, Richard James 200 New Hanover, John Cook 100 D^{o}, Michael Lowber 320 New Hanover, William Armstrong 100 D^{o}, John Clark 100 D^{o}, Thomas Kinion 50 D^{o}, Andrew Moorman 600 Anson, Andrew Moorman Junior 300 D^{o}, Benjamin Wheatley 200

Craven, John Clitherall 640 Carteret, Abraham Boyd 350 Anson, Daniel Short 200 D°, John Tutell 50 Craven, John New 100 Johnston, James Carter 300 New Hanover Granted

Read the following Petitions for Grants for Patents Viz^{t}

George Eilands 150 Johnston, Samuel Ratcliff 200 D°, William Bush 315 D°, Alexander Rouse 87 New Hanover, James Barefield 100 D°, Richard Leith 275 Hyde, Moses Arnold, 50 Craven, D° 200 D°, Philip Shute 440 Beaufort, Thomas Roberson 180 Anson, Edward Givins 275 D°, Robert Runax 75 D°, Samuel Besam 320 D°, William Shirrell 400 Anson, Joseph M°Dowall, 400 D°, George Faggin 200 Bladen, Benjamin Jackson 200 Anson, Leonard Killins 950 D°, John Killins 1000 D°, Andrew Killins 850 D°, Tyree Harris 600 D°, Thomas Potts 460 D°, Andrew Killins 1000 D°, Thomas Turnbull 800 Bladen Granted

Read the Petition of Richard Newman shewing he is Grantee of a parcel of Land situate on the North side of Pamlico River on the East side, at the Mouth of Bath Town Creek, being part of a Tract of Two hundred and Twenty Eight Acres, granted by the late Lords Proprietors to John Sullavant and the Petitioner conceiving there is more Land contained within the Courses and Distances of the patent than is therein mentioned he humbly prays a Resurvey thereon which is Granted and Ordered that the Surveyor General do, accordingly Resurvey the same and make report thereof to this Board at their next sitting.

At a Council held at New Bern 2^{d} October 1749

Present His Excellency the Governour

The Hon^{ble} { Eleazer Allen James Murray } Esq^{rs} Members
{ Roger Moore Will Forbes } of Council

His Excellency the Governour observed to the Members of Council present that by the death of Colonel Moseley a late Member of his Majesty's Council and the indisposition of two of the Council residing at Cape Fear there was not a sufficient number of Councellors to act in a Legislative capacity (five members being held necessary to form an upper house) and desired their Opinion whether it would not be for his Majesty's Service in the present Conjuncture to appoint a Councellor in the Room of Col° Moseley deceased untill his Majesty's Pleasure shall be known thereon which the Honorable the Council unanimously approved of Whereupon his Excellency by and with the advice and consent of Council was pleased to nominate, constitute and appoint James Hasell Esq^{r} Member of His Majesty's Council for and within this province, and the said James Hasell Esq^{r} being called to the Board and acquainted therewith took and subscribed the several Oaths by Law appointed for the

Qualification of Publick Officers as also the Oath of a Councellor, and his place at the Board accordingly.

Present The Hon^{ble} James Hasell

At a Council held at New Bern 7th October 1749

Present His Excellency the Governor

The Hon^{ble} { Eleazer Allen, James Murray, Math Rowan, Will Forbes, Roger Moore, James Hasell } Esq^{rs} Members of Council

Read the following Petitions for Warrants for Land Viz^{t}

Edward Rawlins 100 New Hanover, Aaron Wood 400 Johnston, George Charlton 200 Craven, William Charlton 200 D^{o}, James Johnston 320 Carteret, Benjamin Clements 400 Johnston, John Oates 400 D^{o}, William Mills 100 Craven, John Dunn 100 New Hanover, William Brice 50 D^{o}, William Whitty 100 Craven, William Gibson 66 Onslow, Habakkuck Russett 50 Carteret. Granted.

David Shepard 100 Carteret, Thomas Lovick 200 Craven, John Smith 300 New Hanover, Charles Gavin 500 D^{o}, Griffith Jones 100 Bladen, William Askins 100 Onslow, John Vendrick 200 Craven, Peter Starkey 250 Onslow, Joseph Roads 100 Carteret, Edward Ward 640 Onslow, John Smith 250 New Hanover, Hugh Blaning 200 D^{o}, William Teague 300 Johnston, Hugh Blaning 200 New Hanover, Abraham Boyd 400 Anson, John Eckolls 150 Beaufort, John Cook 300 New Hanover, Joseph Lamb 200 D^{o}, Edward Williams 150 Craven, William Wilkinson 100 D^{o}, Gilbert Buoy 100 Bladen, William Hines 65 Johnston, Martin Fryer 100 New Hanover, John Smith 140 Bladen, Farnifold Green Junior 200 D^{o}, Martin Caswell 100 D^{o}, Richard Caswell Junior 400 Johnston, Duncan Buoy 100 Bladen, David Smith 200 D^{o}, Thomas Castellaw 500 Johnston, George Lane 100 Craven, Stephen Cade 200 Johnston, Stephen Cade 200 Johnston, Coleman Roe 400 Beaufort, David Lewis 200 Craven, Thomas Brooks 100 Bladen, Jacob Blocker 200 D^{o}, Thomas Brooks 400 D^{o}, Alexander M^{c}Allister 100 D^{o}, D^{o} D^{o} 640 D^{o}, Thomas Armstrong 200 D^{o}, Charles Heard 100 D^{o}, John Becton 150 Craven. Granted.

Read again this Day at the Board the Petition of John Philips setting forth that one Lionel Lee obtained his Excellency's Pattent for Three hundred and about fifty or sixty Acres of Land lying in Craven County whereon he seated, and cultivated, and as he imagined made a Plantation That the Petitioner some time afterwards purchased the afore-said Land and plantation of the Pattentee for a valuable Consideration That one Samuel Uxford had entered the said Plantation in the

Secretarys Office as vacant Land and without the Bounds of the aforesaid Patent

That he had sold the said Land to one Nicholas Booty for a valuable Consideration as part of and included in the Patent granted to the said Lee as aforesaid thro' Ignorance and not knowing the contrary and to which he would consequently to his great Prejudice be obliged in Law to make him a Title. Wherefore he prays a Warrant may be granted him for the vacant Lands including the plantation aforesaid adjoining the Land he purchased of the said Lionel Lee.

Then was read the Petition of Samuel Uxford likewise for a Warrant for the same Land Upon which Mr. Nicholas appeared and opposed the granting of the said Philips Petition setting forth that the said Uxford upon his discovery of the Land in Question apprized the said Philips thereof and of his Intentions to apply for a Warrant and Patent for the same That it had lain vacant for many years past to the apparent defrauding his Majesty of his Quit Rents. That it was some time after he finding out and Notice given by Uxford as aforesaid that he entered the Land in the Secretarys Office in which he was both legal and prior to the said Philips. That he had been upon the whole at great trouble and expence, And for these reasons he moved that a Warrant might be granted to the said Uxford for the premises. Whereupon Mr. Swann produced several Evidences on the part of Philips who were sworn and examined. And the arguments on both sides having been fully heard and considered his Excellency was pleased to ask the Opinion of the Council thereon who advised the Granting of Philips petition but thought it reasonable he should pay and satisfy the other his disbursements and accordingly 'tis Ordered that a Warrant issue to the said John Philips for the Land as prayed for he reimbursing the said Samuel Uxford forthwith whatever money he shall make appear to this Board to have expended on that occasion or to pass a Bond to perform the same in some convenient Time

Read the Petition of Henry Snoad and Elenor Payton Executors of Benjamin Payton for a Warrant for six hundred and forty Acres of Land in Beaufort County. Opposed by Mr. Swann in behalf of Robert Payton and Delayed

Read the following Petitions for Grants for Patents Viz^{t}

William Belks 70 Johnston, Moses Tyler 400 New Hanover, Thomas Strakley 150 D^{o}, John Holmes 100 Onslow, Benjamin Meredith 100 New Hanover, John Miller 200 D^{o}, George M^{c}Keen 142 Carteret, John Mann 300 Johnston, John Moor 200 Craven, George Karnage 400 D^{o}, John Cathey 400 Anson, George Davison 300 D^{o}, Samuel Coburn 800

D°, Peter Ellet 150 D°, Richard Graham 400 D°, Mark Finch 640 D°, John Price 250 D°, George Cathey Junior 400 D°, George Cathey 400 D°, John Clark 1000 D°, Daniel Cox 400 Craven, Philip Trapnal 150 D°, Dennis Cannon 100 D°, John Muddox 500 D°, John Groom 200 Bladen, Silvanus Soul 300 D°, Benjamin Moor 250 D°, William Maltsby 250 D° Alexander McKikin 200 D°, Jacob Thompson 50 Johnston, Thomas Mason 220 Hyde, John Row 260 Johnston, Thomas Hughs 100 D°, Alexander M°Cullóh 300 New Hanover, Malcolm Smith 100 Bladen, Joseph Oates 100 New Hanover Granted

Read the Petition of James Shakelford setting forth that John Shakelford the Petitioners Father on or about the 26th of October 1726 obtained from the late Lords proprietors a Patent for two hundred and eighty acres of Land Scituate on the South side of Neuse River on the head of Clubfoots Creek to which the Petitioner, his Father dying Intestate, as eldest son and heir at Law is justly Entitled. That the late Arthur Mabson in his life time, that is to say, about Thirteen years ago obtained a Warrant for a Tract of Land which he surveyed round the Lands of the Petitioner aforesaid and included the whole thereof in his Survey and for which he obtained a Patent; And the Petitioner being apprehensive that some of his Station Trees may have been burnt, cut down or otherwise distroyed he humbly prays a Resurvey both of his own and the said Mabsons Land which is Granted and Ordered that the Surveyor General do accordingly resurvey the same and make report thereof to this Board at their next sittiug.

Read the petition of Edmund Smithwick for a Warrant for Two hundred and forty five Acres being surplus Land found on a Resurvey of a Tract of Three hundred Acres granted to the Petitioner the 15th March 174$\frac{2}{3}$ Mr. Herritage appeared and acquainted the Board that the matter was in Dispute between the Petitioner and one Cornelius Lynch, and therefore moved in behalf of the latter that the said Smithwick's petition might be delayed which is accordingly

Then the Council adjourned till 3 °Clock P. M.

The Council met according to adjournment Present as before.

Jacob Sheets and sundry other Palatines appeared before this Board in pursuance of an Order of the 28th of September last who desiring to be informed of the Tenour of his Majestys Instructions in relation to them the same was Ordered to be read, Whereupon they exhibited to the Board a List of Names of Sundry Persons Claimants of Lands under her late Majesty Queen Ann which on being read appeared to the Council in some respects deficient upon which his Excellency was pleased

to interrogate the said Jacob Sheets who having answered and received proper Directions with regard to another List, tis Ordered that they appear again before this Board, with the same on Wednesday next.

At a Council held at New Bern 11th day October 1749

Present His Excellency the Governour.

The Hon^{ble} { Eleazer Allen, James Murray, Math Rowan, Will Forbes, Roger Moore, James Hasell } Esq^{rs} Members of Council

Read the following Petitions for Warrants for Land Viz^{t}

Major Crooms 100 Johnston, Mark Mevis 100 Craven, Francis Mackilwean 200 Bladen, Arthur Mabson 400 Craven, John Smith 250 Bladen, Jacob Taylor 100 Craven, James Anderson 100 D^{o}, Joseph Jackson 400 D^{o}, Joseph Lettchworth 200 D^{o}, William Barber 100 Craven, Samuel Keight 200 D^{o}, John Manley 100 D^{o}, James Thomas 159 New Hanover, John Hollingsworth 600 Craven, William Porter 100 Bladen, Thomas Mims 200 D^{o}, John Porter Junior 100 D^{o}, Cuprian Shephard 200 D^{o}, Thomas Moor 200 New Hanover, D^{o} D^{o} 100 D^{o}, Mark Fergison 200 Craven, Richard Curtis 150 Onslow, Alexander M^{c}Kikin 640 Bladen, James Pugh 100 D^{o}, John Williams 100 D^{o}, Robert Caldwell 200 D^{o}, James Davis 200 Craven, John Crawford 300 Anson, John Bone 300 Do, William Hancock 100 D^{o} Granted

Read Sundry Petitions for Grants for Patents as follows, Viz^{t}

John Gillets 50 Craven, John M^{c}Coy 150 Anson, Benjamin Horn 150 D^{o}, Hopkin Howell 600 D^{o}, George Helmes 100 Anson, William Forbes 100 D^{o}, Edmund Cartlidge 200 D^{o}, D^{o} D^{o} 200 D^{o}, Abraham Boyd 100 D^{o}, D^{o} D^{o} 200 D^{o}, D^{o} D^{o} 600 D^{o}, John Clark 100 New Hanover, John Cook 100 D^{o}, Daniel M^{c}Neal 150 Bladen, John Butler 100 Onslow, Samuel Middleton 100 D^{o}, Alexander M^{c}Culloh 100 New Hanover, Thomas Jones 400 Johnston, Habakakuk Russell 144 Carteret, Mathew Wilks 200 Craven, Francis Alexander 280 New Hanover, Michael Blocker Junior 200 Bladen, Howell Brewer 200 D^{o}, John Harris 100 Craven, John Conner 150 D^{o}, James Perdue 80 D^{o}, Anthony Herring 640 Johnston, Mark Driggers 100 Craven Granted

His Excellency the Governour was pleased by and with the advice and assent of his Majesty's Council to Order that a Commission of the Peace and Dedimus issue constituting and appointing Charles Sayer, Thomas Relf, Samuel Hith, Robert Murding, Robert Lowrey, Joseph Reed, Jonathan Redding, William Davis, William Swann, William Barnes, Griffith Jones, and Henry Pendleton Esq^{r} Justices of the Peace for and within the County of Pasquotank.

His Excellency was likewise pleased by and with the advice and consent of Council to Order that a Commission of the Peace and Dedimus issue constituting and appointing William Cathcart, William Kinchen, John Dawson, Rowland Williams, James Washington, William Short, James Mauney, John Deberry, John Moore, John Drew, Nathan Williams, John Duke, John Gilliam, Osborn Jeffries, John Lamon, William Battle and Arthur Harris Esq[rs] Justices of the Peace for and within the County of Northampton.

Ordered that a New Commission of the Peace and Dedimus issue likewise constituting and appointing Thomas Lovick, Enoch Ward, Samuel Chadwick, David Sheppard, Joseph Bell, Carey Godbee, John Chitheral, Moses Holston, David Sheppard Junior, Richard Ward, William Gaskill, William Cole and Samuel Noble Esq[rs] Justices of the Peace for and within the County of Carteret.

Ordered that a New Commission of the Peace and Dedimus issue also constituting and appointing William Cathcart, John Hardy, Joseph Howell, John Haywood, Richard Whitaker, William Kinchen, William Werte, Aquilla Suggs, William Taylor, William Taylor of Apple Tree, John Pope, Joseph Lane, John Thomas, John Pryor, Robert Brinkley, Samuel Williams of Stoney Creek, Wallace Jones and Edward Moore Esq[rs] Justices of the Peace for and within the County of Edgecombe

Thomas Jones Deputy Surveyor appeared before this Board in Obedience to an Order of the 11[th] of April 1749, Upon the Complaint of Edward Connor shewing that he had failed to make return of a Warrant for Martin Trantham for four hundred Acres of Land in Bladen County which the said Connor had purchased, And being interrogated by his Excellency thereon the said Jones first of all produced to the Board an attested Plot of the said Land taken from his Field Book and then declared that some Time in the Month of July in the Year 1745 he delivered to Alexander M[c]Culloh Esq[r] a Warrant in the name of Martin Trantham for 400 Acres of Land in Bladen County in Order to be delivered by the said M[c]Culloh to George Gould Esq[r] Surveyor General with the Fees for the Survey thereof and that the Warrant so delivered to and by him as aforesaid and the Plot which he had now exhibited to the Board were for one and the same piece of Land and to which he was ready to made Oath. Which the Board on consideration thought proper to enjoin. Whereupon the said Jones accordingly made affidavit to the above purport and Effect before his Excellency the Governour in Council

Ordered that a Dedimus issue directed to the Justices of Granville County to Qualify Henry Webb, William Chamber and Thomas Lovelatty Esq[rs] Justices of the Peace for the said County

Then the Council adjourned till 3 °Clock P. M.

The Council met pursuant to Adjournment Present as before.

Jacob Sheets and George Kernegee of the surviving Palatines who came into this Province on the Encouragement given by her late Majesty Queen Ann in the year 1709 make Oath that the List which they have Exhibited to this Board is a true List of such Palatines who arrived in this province at that Time, and the Persons there set down to be the Heirs of such of them as are deceased are to the best of their knowledge the true and lawfull Heirs of the said persons so deceased

Whereupon it is Ordered that an Application being made by the Persons mentioned in the said List, or any of them that Warrants do accordingly issue, directed to a proper Surveyor, for Two hundred and fifty Acres of Land to each person respectively, agreeable to the List exhibited as aforesaid, and his Majesty's Royal Instruction in that behalf.

Then his Excellency was pleased to propose the laying his Majesty's Royal Instruction before the General Assembly for their Consideration, to which the Council concurring, the same was accordingly sent together with the above mentioned List, and the following Message Viz[t]

MR. SPEAKER AND GENTLEMEN,

I herewith send you an Instruction I have lately received from his Majesty wherein You will see I am Ordered to recommend to the Assembly to make speedy provision in such manner as you shall think fit for the Defraying the Charge of Surveying certain Lands granted by his Majesty to the Palatines of this part of the Province I hope Gentlemen You will consider of this Affair and make such provision as will be agreeable to his Majestys Gracious Intention signified therein

GAB. JOHNSTON

Council Chamber, October 11[th] 1749

At a Council held at New Bern 13[th] October 1749

Present His Excellency the Governor.

The Hon[ble] { Math Rowan, Roger Moor, James Murray, William Forbes and James Hasel } Esq[rs] Members of Council

Mr. Herritage acquainted the Board that upon the Petition of Edward Conner at a former Council shewing that the plat annexed to his patent for six hundred and forty Acres in Bladen County contained different and other Courses than what were agreeable to the Original marked Trees twas Ordered that the Deputy Surveyor run out the said Land agreeable to the first marked Trees and return a plat thereof upon Oath to this

Board. Which being exhibited in Council and read he thereupon moved in behalf of the said Connor for a new patent in Consequence. Thomas Armstrong appeared by Mr. Swann his Attorney and opposed the said Motion, alleging he had a Patent that included part of the said Land, which when he took the same up was vacant, and without the Lines of the said Conners Tract; the marked Trees by line said to be the Bounds of his Land, not answering with the true Courses thereof, praying therefore that the plat so returned by the Surveyor or might and that the said Conner may be obliged to hold his Land according to the Courses of his Patent be rejected, which is Granted and Ordered that the said Edward Conner do from henceforth hold his Land, by, and agreeable to the Courses of his patent, and no other.

Mr. John Devis exhibited in Council a Patent in the name of Thomas Nelson for Two hundred Acres of Land in Carteret County praying that the Courses inserted thro' mistake Viz^{t} S^{o} 52 W^{t} 20 ch then S^{o} 40 E^{t} 25 ch from thence N^{o} 52 W^{t} 20 ch might be altered to S^{o} 33 W^{t} 80 poles then N^{o} 54 E^{t} 400 poles from thence N^{o} 33 E^{t} 80 poles which was granted and the Patent accordingly altered in Councill as well as the record thereof

Read the Petitions of the following persons for Warrants for Land

George Gressets 100 New Hanover, Richard Ogden 300 Bladen, Peter Ellet 300 Anson, Abraham Paul 200 D^{o}, Samuel Baker 200 Bladen, Thomas Norwood 100 Craven, Robert Fellows 300 Johnston, James Green 100 Craven, John Edmondson, 300 D^{o}, Amos Cuthrill 300 Craven, William Peters 200 D^{o}. Granted.

Read the petitions for the following Persons for Grants for Patents

George Kernegee 100 New Hanover, Francis Hodges 200 Craven, John White 100 Bladen, Martin Trantham 400 D^{o}, Jonathan Sanderson 110 Craven, Benjamin Foreman 147 Bladen, Hugh Brown 100 D^{o}, Nicholas Smith 200 D^{o}, Josiah Shaddock 100 D^{o}, John Philips 150 D^{o}, Joseph Motte 50 New Hanover, Elizabeth Hill 150 Onslow, John Matchitt 150 New Hanover, John Pain 200 Craven, Daniel Quillen 100 D^{o}, William Mackintosh 200 Johnston. Granted

His Excellency the Governour having received an Answer from the General Assembly to his Excellency's Message of the 11th instant touching the Palatines, the same was Ordered to be read; which was accordingly being as follows Viz^{t}

May it please your Excellency

We received your Excellency's Message of this day recommending to us to make such speedy Provisions for the defraying the Expence of

laying out the Lands for the Palatines in his Majestys Royal Instruction to your Excellency mentioned which you were pleased at the same time to lay before us. As it is an Affair that will require some time for consideration and the members of this House having been long from their Homes and hope your Excellency will keep them no longer together than while they can go through with the Laws now under their consideration for the Expediting the Printing the Body of the Laws of this Province a work of great consequence to the publick. We must therefore beg leave to postpone the consideration of the said Instruction and your Excellency's Message thereon till the next session of Assembly.

SAM[l] SWANN Speaker

Dated 12[th] October 1749

At a Council held at New Bern 16[th] October 1749

Present His Excellency the Governour

The Hon[ble] { Eleazer Allen, James Murray, Math Rowan, Will Forbes, Roger Moore, James Hasel } Esq[rs] Members of Council

Read Sundry Petitions for Patents for Land Viz[t]

Joshua Herring 280 Johnston, Thomas Pugh 300 New Hanover, John Howard 640 Onslow, John Kinsey 100 D[o]. Granted

Read the Petition of Robert Payton for a Warrant Beginning at Barresses East Corner on a Creek called Barresses' Creek for six hundred and forty Acres of Land in Beaufort County Mr. Sprigg appeared in behalf of the Executors of Benjamin Payton Deceased and opposed the said Petition setting forth that Robert Payton Father of the said Benjamin in his life Time Warranted and Surveyed the said Land, And that the said Benjamin Payton by his last Will and Testament had bequeathed the same to his Daughter Sarah Payton that for these Reasons and in Regard the Executors Entry being prior to the Petitioner Payton's he humbly prayed they might have the preference of a Warrant that so upon the same being Surveyed and returned they may be at Liberty to apply in a proper Manner for a Patent, and enabled to fulfill the Intention of the Testator. Then Mr. Swann Council for Robert Payton produced to the Board Several Depositions which were read purporting the said Robert's purchase of the Land in dispute not only of his Father in his Life time, but also of the Brother Benjamin before he died and the payment of the Consideration Money to both whom for the same as well as an Instrument of Writing from under the Hand of the latter obliging himself to take out a patent for the said Land in the Petitioners own Name but that the same was lost. And further setting

forth that the Petitioner had been for a long Time in possession of and had improved the same and thereupon he moved that a Warrant might be granted to the said Robert Payton for the Premises. The Arguments offered on both sides being fully heard and considered It is Ordered that the Petitioner Payton have a Warrant for the said six hundred and forty acres of Land as prayed for.

Read the Petition of Thomas Bell setting forth that he is in possession of a Tract of One hundred and Ten Acres of Land granted by the Late Lords proprietors to Farnifold Green scituate in Carteret County Beginning at a small live Oak in an Indian Old Field running N° 58 W^{t} 160 pole down the streight to a small Creek that divides the said Green and William Williamson and the Bounds whereof not being to be found the Petitioner humbly prays Resurvey in order to ascertain the same. Granted and Ordered that the Surveyor General do resurvey the said Land accordingly and make report of his doings therein to this Board at their next sitting

His Excellency the Governour was pleased by and with the advice and assent of his Majesty's Council to order that a Commission of the Peace and Dedimus issue constituting and Appointing Henry Heylyn Elias Lagardere, John Carruthers, John Williams, Daniel Shine, Evan Jones, Joseph Ralch, John Clitheral, Southey Rew, Lewis Bryan, Joseph Bryan, Samuel Hatch, Lewis Bryan Junior, James Green, Wheebright Pearson, Abner Neal, John Carruthers Junior Esq^{rs} Justices of the Peace [for] and within the County of Craven.

At a Council held at New Bern 18th October 1749

Present His Excellency the Governour

The Hon^{ble} { Eleazer Allen, Math Rowan, Roger Moor, James Murray and James Hasel } Esq^{rs} Members of Council

Read the following Petitions for Grants for Patents Viz^{t}

John Fonvielle 288 Craven, D° 150 D°, Aaron Smith 200 Johnston, William Cole 78 D°, Henry Bishop 100 Onslow, Daniel Simons 195 Craven Granted

Read the following Petitions for Warrants for Land Viz^{t}

Peter Griffith, Samuel Gent, Abraham Boyd & James Green 1000 Anson, Margaret Green 50 Bladen, Peter Griffith 100 Anson, William Crain 200 Bladen, John Rice 400 Craven, Robert Taylor 100 D°, John Williams 150 D° Granted

Read the petition of Nathan Smith for an alteration of the Courses in his patent which is postponed till the next Council

Read the petition of Thomas Norwood for a Grant for Two hundred Acres of Land in Craven County Mr. Lovett appeared in behalf of the Heirs of William Lister deceased and proved that the said Petition might be delayed setting forth that the Land therein mentioned interfered with Land belonging to the said Heirs Ordered that the same be postponed till the next Council

His Excellency the Governour was pleased to observe to the Board that many Complaints had been made before him in Council and Affidavits made that several wicked and evil disposed Persons in Anson County had by divers suggestions and Artifices endeavoured to disturb the peace and quiet of his Majesty's Subjects legally settled and intending to settle in that County particularly that one John Ellis has had the boldness and Insolence to declare that the present Settlers in that County had no right to the Lands by them possessed and that even his Majesty had no right to those Lands. Which declaration was made to and in the presence of the Catawba Indians to the apparent disturbance of the said settlement of Anson County and tending to breed and foment a misunderstanding between his Majesty's said subjects and the said Catawba Indians. Which being duly considered. His Excellency thereupon with the advice and consent of his Majesty's Council doth hereby require and command all Justices of the Peace, Sheriffs, Constables and other Officers and all his Majesty's Leige Subjects in the said County to apprehend be aiding and assisting to aprehend all and all manner of Persons who shall in any ways by false suggestions and Insinuations as aforesaid by any means whatsoever endeavour to raise jealousies and Fears among the Inhabitants of the said County or by any means to disturb the peace between the said Catawba Indians and the Inhabitants of the said County to arrest such persons and send them down to the Goal at Wilmington to be proceeded against as the laws in that case have provided And ordered that a warrant do accordingly issue for that purpose

By order JOHN RICE, C. C.

[B. P. R. O. North Carolina. B. T. No. 26.]

LEGISLATIVE JOURNALS.

North Carolina

At an Assembly Begun and Held at Newbern on Tuesday the Twenty Eighth day of March in the year of our Lord One Thousand Seven

Hundred and Forty nine, and in the Twenty Third Year of his present Majesties Reign and continued by Prorogation untill Thursday the Thirteenth [thirtieth] day of this Instant, being the sixth Session of Assembly

Present

The Honourable { Eleazar Allen, Roger Moore, Mathew Rowan, William Forbes, Edward Moseley } Esq^rs Members of His Maj^ties Council

Then His Excellency came to the House and commanded the immediate Attendance of the Lower House. Whereupon the Speaker attended by the Lower House, waited upon his Excellency in the Council Chamber, when his Excellency made the following Speech to both Houses viz.

Gentlemen of his Majestie's Council Mr. Speaker and Gentlemen of the House of Representatives.

Your behaviour during the last two Sessions leave me no Room to doubt that you are now assembled with the best Dispositions to promote his Majestie's service, the good of your Country, and the Peace, Quiet and Security of your Fellow Subjects.

You have already passed many excellent Laws intirely calculated for the Benefit of the whole Province, without any Views to party or personal Interest, Laws which even in the Judgment of your Enemies themselves are highly proper, just and necessary in the present circumstances of the Country and against which they can only form one Objection, that they themselves did not think fit to be present at the making of them; Thō if they had I am afraid such Laws had never been enacted, at least with that Unanimity and not without a much greater struggle than they were, especially these two most excellent Acts, the one for revising and printing the Laws; and the other, for granting a Rent Roll to the King and the Earl of Granville, the former absolutely necessary for securing the lives and properties of a faee [free] Born People against the Frauds and Tricks of Ignorant and insolent Pretenders to the Law and the latter what common Justice to our Landlords absolutely required and demanded.

And yet neither of these points thō often seriously recommended and earnestly contended for could ever be candid, while these Gentlemen honoured the Assembly with their presence.

Go on therefore Gentlemen and continue in the same good cause you have begun, nothing adds a greater Lustre to virtuous and Publick Sperited Actions than a steady undaunted Preserverence Let no vain, clamourous Boastings, no monstruous Calumnies and Forgeries indus-

triously spread among ignorant people, no petulant and noisy Behaviour in private conversation the constant attendance of a bad and desperate cause either deter or dishearten you.

You have the happiness of living under a most just and glorious Prince, who as he is Tender of the Rights of his meanest Subjects, and the most distant, so he will never suffer his Writs to be affronted or his Prorogations disobeied far less will he suffer his Subjects in this Province to be robbed of their Priviledge of Englishmen of the Benefit of Assemblies, and the British Constitution at the caprice or Humours of five or six Counties.

This Gentlemen is the true and just state of the dispute which is at present carried on with so much heat by these persons who want to engross the whole Legislative power to themselves, and I dont at all doubt, but it will be soon decided entirely to your Satisfaction.

March 30th 1749. G. JOHNSTON.

Then His Excellency withdrew from the House, And the Board were pleased to take under their consideration his Excellency's Speech, and Ordered the same to be read which accordingly was, and the Honourable Eleazar Allen and Edward Moseley Esqrs two of the Members of this Board were appointed a Committee to answer the same.

Then the House adjourned until To-morrow morning 9 o' the clock.

Friday March the 31st The House met according to adjournment.

Present.

The Honourable { Eleazar Allen, Roger Moore, Mathew Rowan, William Forbes, Edward Moseley } Esqrs Members.

Mr. Allen one of the Committee appointed to answer his Excellencys Speech, reported the same which was read and approved of. And Ordered to be engrossed which accordingly was.

Then the House adjourned until Three o' the clock in the afternoon.

Post Meridn The House met according to adjournment.

Present.

The Honourable { Eleazar Allen, Roger Moore, Mathew Rowan, William Forbes, Edward Moseley. } Esqrs Members.

Then his Excellency came to the House and immediately the Board presented him with their address in the following words.

North Carolina.

To his Excellency &c:

The humble address of his Majesty's Council now met in General Assembly.

May &c

His Majestie's faithfull subjects, the Members of Council now met in General Assembly beg leave to wait on your Excellency with our sincere and hearty thanks for your Speech to both Houses of Assembly at the opening of this Session.

It is Sir with the greatest pleasure and satisfaction we are now able to reflect that after a series of years spent in faithless endeavours for the Publick Utility, we have at last under your Excellency's mild and prudent conduct and happy unanimity of both Houses, in some measure effected what [we] so long and ardently desired by passing such Laws for your Excellency's assent as were calculated for the Good of the whole Province, and which had long been the object of your Excellency's Wishes as well as our own.

We are too sensible this happy unanimity had never subsisted, and consequently so many beneficial Laws had never been passed, had that destructive Inequality [in] the Members of the Houses of Burgesses claimed by some of the Counties (notwithstanding the repeal of the Biennial Law by his Majesty) which heretofore puzzled and perplexed our Councils and at last rendered them ineffectual, subsisted also, and althō the measures taken to remove that Objection has occasioned complaints to his most sacred Majesty against your Excellency, thō in language unbecoming his royal ear, yet we have not the least doubt from his Majesties known wisdom and justice, that your Excellency's proceedings upon a fair and impartial Hearing will be vindicated and approved of notwithstanding the Clamours, Calumnies and boastings, of the party in order to captivate the ignorant, insolently proclaim a Triumph before a Victory.

We beg leave to assure your Excellency that nothing of this kind shall in the least influence our conduct or induce us to deviate from the Duty we owe his Majesty and the regard we have and shall always shew to the Welfare of the whole province as well knowing that nothing can more effectually recommend us to the favour of our Royal Master and your Excellency's more immediate care attention and Protection.

Then his Excellency withdrew and the House adjourned untill tomorrow morning 9 o' the clock.

Saturday the 1st of April. The House met according to adjournment.

Present

The Honourable { Nath[l] Rice, Eleazar Allen, Mathew Rowan; Edward Moseley, Roger Moore, William Forbes } Esq[rs] Members.

And adjourned untill Monday morning Nine of the clock.

Monday April 3rd The House met according to adjournment.

Present.

The Honourable { Nath Rice, Eleazar Allen, Mathew Rowan; Edward Moseley, Roger Moore, William Forbes } Esq[rs] Members.

Mr. John Swann Brought up the following Message from the Lower House viz.

GENTLEMEN OF HIS MAJESTIE'S COUNCIL

We have appointed Mr. John Swann, Mr. Tho: Lovick, Mr. John Dawson, Mr. John Starkey and Mr. John Haywood Committee of this House on Publick Claims to join those of your House as you shall think fit to appoint.

And we have likewise appointed the following persons a Committee to examine, settle and adjust the publick accounts with the Treasurers of the Southern and Northern Districts of this Province in conjunction with those Members of your House as you shall think fit to appoint. viz. Mr. John Swann, Mr. John Starkey and Mr. John Dawson.

Dated the 3rd April 1749.

Then the House adjourned untill three of the Clock in the afternoon.

Post Merid[n] The House met according to adjournment.

Present.

The Honourable { Nath: Rice., Eleazar Allen., Mathew Rowan.; Edward Moseley., Roger Moore., William Forbes. } Esq[rs] Members.

The House took under their consideration the Message of this Morning from the Lower House regarding the appointment of the several Committees and were pleased to direct that the Honourable Mathew Rowan, Col: Forbes be appointed to join the Committee of the Lower House upon the Claims and the Honourable Eleazar Allen and Roger Moore Esq[rs] upon the Accounts to join those of the Lower House. And ordered that a message be sent to the Lower House to that purpose.

Mr. Sampson Brought up from the Lower House the following Bills viz. A bill for an Act to put in force in this Province the several Stat-

utes of the Kingdom of England or South Britain therein particularly mentioned. A Bill for an Act for erecting the upper part of New Hanover County into a County and Parish for appointing a place for building a Court House, Prison and Stocks in the said County. In the General Assembly read the first time and past.

Mr. Carruthers Brought up a Bill for an Additional Act, intituled an Act for the better regulating the Town of New Bern for fencing the same and securing the Titles of the several persons who hold Lots in the said Town. In the General Assembly read the first time and past.

Then the House adjourned until To-morrow morning 9 o' the Clock.

Tuesday the 4th April. The House met according to adjournment.

Present.

The Honourable { Nath: Rice. Edward Moseley. / Eleazar Allen. Roger Moore. / Mathew Rowan. William Forbes. } Esqrs Members.

And adjourned untill Wednesday Morning Ten o' the clock.

Wednesday 5th April. The House met according to adjournment.

Present.

The Honourable { Nath: Rice. Edward Moseley. / Eleazar Allen. Roger Moore. / Mathew Rowan. William Forbes. } Esqrs Members.

And adjourned untill To-morrow morning Ten o' the clock.

Thursday the 6th of April. The House met according to adjournment.

Present.

The Honourable { Nath: Rice. Edward Moseley. / Eleazar Allen. Roger Moore. / Mathew Rowan. William Forbes. } Esqrs Members.

And adjourned until Three o'clock in the afternoon.

Post Meridn The House met according to adjournment.

Present.

The Honourable { Nath: Rice. Edward Moseley. / Eleazar Allen. Roger Moore. / Mathew Rowan. William Forbes. } Esqrs Members.

The Honourable Eleazar Allen Esqre a Member of this Board produced to the House a Bill for an Additional Act Intituled an Act for forming a Rent-Roll of all the Lands holden in this Province for quieting the Inhabitants in their Possessions and for directing the payment of Quit-Rents. Read the first time and passed.

Mr. Starkey and Mr. Sampson Brought up the second Bills. viz: A Bill for an Act for encouragement of James Davis to set up and carry on

his Business of a Printer in this Province and for other purposes therein mentioned. In the General Assembly read the first time and past. In this House read and past.

A Bill for an act directing the Method for cutting or docketing Intails of small estates.

A Bill for an act for founding, erecting, governing, ordering and visiting a Free school at for the Inhabitants of this Province.

A Bill for an act for the relief of the Poor and to prevent Idleness.

A Bill for an act to enable the Justices of the several Counties to provide certain Books for the use of their County Courts.

A Bill for an act appointing Packers and to prevent Frauds in divers Commodities exported out of this Province.

A Bill for an act for the Relief of poor Debtors. In the General Assembly read the first time and past.

Then the House adjourned untill To-morrow morning 9 o' the clock.

Friday April the 7th The House met according to adjournment.

Present.

The Honourable { Nath: Rice. Edward Moseley. / Eleazar Allen. Roger Moore. / Mathew Rowan. William Forbes. } Esqrs Members

And adjourned untill three of the Clock in the afternoon.

Post Meridn Present.

The Honourable { Eleazar Allen. Roger Moore. / Mathew Rowan. William Forbes. / Edward Moseley. } Esqrs Members.

Mr. Swann and Mr. Dawson Brought up a Bill for an act for dividing Bladen County and for erecting the Western Part thereof into a seperate County and Parish by the name of Anson County and Dobb's Parish. In the General Assembly read the first time and past.

Also the following Message viz:

GENT: &C:

This House have appointed Mr. John Swann, Mr. Francis Stringer, Mr. Jos: Clark, Mr. John Dawson, Mr. John Smith, Mr. John Starkey, Mr. Joseph Bell, Mr. Joseph Howell, Mr. William Eaten, Mr. Rufus Marsden and Mr. John Carruthers a Committee to examine and compare the Laws revised by the Commissioners appointed for that purpose, with the Originals in Conjunction with those Members of your House as your Honours shall think proper to appoint and report the same to this House.

Then the House adjourned untill To-morrow morning 9 o' the Clock.

Saturday April 8th The House met according to adjournment

Present.

The Honourable { Eleazar Allen. Roger Moore. Mathew Rowan. William Forbes. Edward Moseley. } Esqrs Members.

Mr. Dawson and Mr. Sampson Brought up the following Bills viz.

The Bill for an act for an additional act for forming a Rent Roll &c:

The Bill for an act for the encouragement of James Davis to set up and carry on printing &c: In the General Assembly read the second time and passed with Amendments.

The House on reading the Message yesterday, took the same under their consideration and appointed the Honourable Nath: Rice and Edward Moseley Esqrs two of the Members of this Board a Committee of this House to join those of the Lower House. And ordered that a message be sent down to that purpose. Which accordingly was.

The Bill for an act for the encouragement of James Davis. Read the second time and passed with Amendments.

The Bill for an act for cutting and docking Entails &c. In this House read the first time and past.

The Bill for an act for relief of the poor, read the first time and past.

The Bill for an act for erecting the Western part of Bladen County into a County and dividing the same. In this House read the first time and past.

The Bill for an act for erecting the upper part of New Hanover County into a County Parish &c: In this House read and past.

The Bill for an act for putting in force the several Statutes of Great Britain in this Province. Read the first time and past.

A Bill for an act for releif of poor Debtors. Read the first time and past.

The Bill for an act for appointing Packers. Read the first time and past.

The Bill for an act to enable the Justices of the several Counties to provide Books for the use of their Counties. Read the first time and past.

Then the House adjourned until Three of the clock in the afternoon.

Post Meridn The House met according to adjournment.

Present.

The Honourable { Eleazar Allen. Roger Moore Mathew Rowan. William Forbes. Edward Moseley. } Esqrs Members.

Mr. Starkey and Mr. Sampson Brought up the following Bills. viz.

The Bill for an act for docking Intails &c:

The Bill for an act for dividing Bladen County and erecting into a County by the name of Anson County and Dobb's Parish. &c:

The Bill for an act for the releif of the Poor &c:

The Bill for an act for erecting the upper part of New Hanover County into a County and Parish &c:

The above Bills read in the Lower House the second time and past with Amendments.

The Bill for an Act for better regulating the Town of Newbern Read the first time and past.

The Bill for an act for founding a Free school &c: Read the first time and past.

The Bill for an act for forming a Rent-Roll to his Majesty and Earl Granville &c: Read the second time and past with Amendments.

Mr. Haywood and Mr. Mackilwaen Brought up the Bill for an act for putting in force the several Statutes of Great Britain therein mentioned &c: In the General Assembly read the second time and past with Amendments.

Then the House adjourned untill 9 o' the clock Monday morning.

Monday April 10th 1749. The House met according to adjournment.

Present.

The Honourable. { Nath: Rice, Edward Moseley. / Eleazar Allen, Roger Moore / Mathew Rowan, William Forbes } Esqrs Members.

Mr. Haywood and Mr. McWean Brought up the following Bills. viz:

The Bill for an Act to enable the Justices of the several Counties to buy Books &c: In the General Assembly read the second time and past with Amendments.

The Bill for an act for the Releif of poor Debtors. &c: In the General Assembly read the second time and past.

The Bill for an act for directing the Method of cutting and docking Intails &c: Read the second time and past with Amendments.

The Bill for an act for releif of poor Debtors. Read the second time and past.

The Bill for an act for erecting the upper part of New Hanover County into a County and parish by the name of Donegal and St Colomb.

The Bill for an Act for dividing Bladen County and for erecting the Western part thereof into a County and Parish by the name of Anson County and St Georges Parish. Read the said Bills the second time and passed with Amendments.

Then the House adjourned untill Three of the clock in the afternoon.

Post Merid^{n} The House met according to adjournment.

Present.

The Honourable { Nath Rice, Eleazar Allen, Mathew Rowan, Edward Moseley, Roger Moore, William Forbes } Esq^{rs} Members.

Mr. Haywood, Mr. Eaton Brought up the Bill for an act for encouragement of James Davis to set up and carry on the business of a Printer, &c: In the General Assembly read the third time and past.

Mr. Starkey and Mr. Marsden Brought up the Bill for an act for founding a free school &c: In the General Assembly read the second time and past with Amendments.

Also the Bill for an act for forming a rent Roll &c: In the General Assembly read the second time and past with Amendments.

The Bill for an additional Act for forming a Rent-Roll &c. Read the third time and past with Amendments.

The Bill for an Act for encouragement of James Davis to set up & carry on the Business of a Printer. In this House read the third time and past. Ordered the same be sent down and engrossed.

Mr. M^{c}Kilwean and Mr. Carruthers Brought up the following Bills. Viz^{t} The Bill for an act for appointing Packers &c: The Bill for an act for the better regulating the Town of New Bern &c: In the General Assembly read said Acts the second time and past with Amendments.

Then the House adjourned till To-morrow morning 9 of the clock.

Tuesday April 11th The House met according to adjournment.

Present.

The Honourable { Nath: Rice. Eleazar Allen. Mathew Rowan. Edward Moseley. Roger Moore. William Forbes. } Esq^{rs} Members.

Mr. Sampson and Mr. Swann Brought up a Bill for an act for forming a Rent-Roll &c: Read in the General Assembly the third time and past. Ordered the same be engrossed. Also the Bill for an Act for erecting the upper part of New Hanover County into a County and Parish by the name of Donegal and Colomb Parish. The Bill for an Act for cutting and docking Intails &c: The Bill for an Act for relief of the poor &c: In the General Assembly read the third time and passed.

The Bill for an Act for relief of the Poor &c: Read the third time and past. Ordered the same be sent down and engrossed.

The Bill for an Act for directing the method of docking Intails &c: Read the third time and passed. Ordered the same be sent down and engrossed.

Then the House adjourned untill Three of the clock in the afternoon.

Post Merid^{n} The House met according to adjournment.

Present.

The Honourable { Nath: Rice. Edward Moseley. / Eleazar Allen. Roger Moore. / Mathew Rowan. William Forbes. } Esq^{rs} Members.

Then the House adjourned untill To-morrow morning 9 o' the clock.

Wednesday 12th April. The House met according to adjournment.

Present.

The Honourable { Nath: Rice. Edward Moseley. / Eleazar Allen. Roger Moore. / Mathew Rowan. William Forbes. } Esq^{rs} Members.

And adjourned untill Three o'clock in the afternoon.

Post Merid^{n} The House met according to adjournment.

Present.

The Honourable { Nath: Rice. Edward Moseley. / Eleazar Allen. Roger Moore. / Mathew Rowan. William Forbes. } Esq^{rs} Members.

Mr. Rowan one of the Members of this Board appointed to join the Committee of the Lower House upon the Claims reported the same.

Then the House adjourned untill To-morrow morning 9 of the clock.

Thursday. 13th April. The House met according to adjournment.

Present.

The Honourable { Nath: Rice. Edward Moseley. / Eleazar Allen. Roger Moore. / Mathew Rowan. William Forbes. } Esq^{rs} Members.

Then the House took under their Consideration the report of the Committee of Claims and after examining the same sent it down to the Lower House concurred with.

Then the House adjourned untill Three of the Clock in the afternoon.

Post Merid^{n} The House met according to adjournment.

Present

The Honourable { Nath: Rice. Edward Moseley. / Eleazar Allen. Roger Moore. / Mathew Rowan. William Forbes. } Esq^{rs} Members.

The Report of the Committee of Claims sent down, concurred with.

Mr. Allen one of the Members of this Board upon the Committee of Accounts reported the same to this House which was concurred with.

Mr. Starkey and Mr. Haywood Brought up the following message. viz. with the following Resolves. viz:

GENTLEMEN OF HIS MAJESTIES HONOURABLE COUNCIL

We herewith send you the Resolve of this House in regard to the payment of the Arrears due from the Publick to the Honourable Enoch Hall Esq^{re} his Majesties Chief Justice, for riding the several Circuits in this Province which by Law he is obliged to do, and desire your Honours concurrence.

In the General Assembly April 12th 1749.

Upon Enoch Hall Esq^{re} Chief Justice of this Province having represented to this House that he hath been at great expence in riding the Circuits and that by the neglect of the Sheriffs in this Province collecting the Tax laid for raising the money to pay the Sallary by Law appointed for that service whereby the Publick is now in arrear to him the Sum of two hundred and twenty-two pounds, six shillings and eight pence Proclamation Therefore he humbly hopes that the House will take the same into Consideration, and direct that the said Arrear be paid him by the Publick, whereby he may be the better enabled to perform the duty which he is obliged by Law in riding the said Circuits.

Resolved by this House that the said arrear be paid to the Honourable Enoch Hall Esquire by the Commissioners for stamping and emitting the sum of £21350 Publick Bills of Credit of this Province at the rate of Proclamation Money &c: out of the Publick Chest and that as the money arises by the said Tax shall be received and accounted for (as the Law directs) by the Sheriffs of the several Counties the same shall be applied to the reimburseing the Publick.

In the General Assembly 13th April 1749.

The Accounts of Edward Moseley Esq^{re} and Thomas Barker Gentlemen, Treasurers of this Province, being reported to this House by the Committee for examining and stating the Public Accounts

Resolved. That the sum of seven hundred and twelve pounds, twelve shillings, and seven pence half penny, accounted for, and paid into the said Committee on the sinking fund, and also the sum of one Thousand, Two hundred, and sixty one pounds, fifteen shillings and 10^{d} accounted for, and paid into the said Committee, as a part of the Loan Money, by Edward Moseley Esq^{re} be burnt.

And that as the said Thomas Barker hath not satisfied the said Committee, what part of the money, paid in by him, was received and paid in upon the account of the sinking fund. That the sum of £2296.12^{s}.9^{d} old money by him paid into the said Committee be burned.

And that the new, or Proclamation Money, by him paid into the said Committee be lodged in the publick Chest 'till the said Thomas Barker shall make it appear to this House on what account and on what Tax the said money was paid into him by the several Sheriffs. That the same money may be disposed of and apply'd accordingly.

The aforesaid resolves, after being read and approved of, were sent down to the Lower House, together with the report of the Committee of accounts concurred with by this House.

Then the House adjourned until to-morrow morning 9 o' the clock.

Friday. April 14th The House met according to adjournment.

Present.

The Honourable { Nathaniel Rice. Edward Moseley. / Eleazar Allen. Roger Moore. / Mathew Rowan. William Forbes. } Esqrs Members.

Mr. Swann and Mr. Bell Brought up the following message (viz:)

In the General Assembly April 14th 1749.

On the motion of Mr. John Starkey that the several sums of money paid into the Committee of Publick Accounts, may be burned agreable to an Act of the General Assembly of this Province

Resolved. That the sum of seven hundred and Twelve pounds Twelve shillings and seven pence halfpenny, paid in on the sinking fund, and the sum of one thousand Two hundred and sixty one pounds fifteen shillings and Ten pence loan money paid in by Edward Moseley Esqre one of the Treasurers of this Province. The sum of Two Thousand Two hundred and Ninety one pounds, Twelve shillings and nine pence old Bills paid by Thomas Barker Gen: The other Treasurer of this Province, and also the sum of one Thousand Two hundred and fifty two pounds five shillings and six pence old Bills exchanged for new by the Commissioners for stamping and emitting the sum of Twenty one Thousand three hundred and fifty pounds Proclamation money be burnt at 12 o'clock this day in the Publick Street, before the Court House, in the presence of the Members of both Houses, or such of them as will attend.

Your Honours will please to take notice that Edward Moseley Esqre paid into the said Committee the sum of one hundred, and eighty nine pounds, thirteen shillings and three pence Proclamation new money in discharge of the sum of one Thousand four hundred and Twenty Two pounds and is part of the sum to be burnt. Sent up for the concurrence of this House and they on reading the same, sent it down concurred with.

Then the House adjourned until Three of the clock in the afternoon.

The House met according to adjournment.

Present.

The Honourable	Nathaniel Rice.	Edward Moseley.	Esq[rs] Members of y[e] Council.
	Eleazer Allen.	Roger Moore.	
	Mathew Rowan.	William Forbes.	

Then His Excellency came to the House and sent a mandate to the Lower House commanding their immediate attendance in the Council Chamber. Whereupon the Speaker, attended by the Lower House waited upon his Excellency in the Council Chamber. When he was pleased to give his assent to the following Bills.

An Act, for an Additional Act, intituled an act for forming a Rent-Roll of all the Lands in this Province, to his Majesty and the Earle Granville &c.

An Act for encouragement of James Davis to set up a printing Office in Newbern. &c.

An Act for releif of poor Debtors &c.

An Act for cutting and docking entails &c.

Then his Excellency was pleased to prorogue this Assembly to the fourth Tuesday in September following to be then held at Newbern.

North Carolina—ss.

At an Assembly begun and held at New Bern the 12[th] day of June in the Year of our Lord 1747 and In the Twentieth first year of the Reign of our Sovereign Lord George the Second by the Grace of God of Great Britain France and Ireland King &c from thence Continued by several prorogations to the 28[th] March 1749 being the Session of this present Assembly

Members Present

Mr. Speaker

Mr. Haywood	Mr. Lovick	Mr. Eaton
Mr. Edward Jones	Mr. Joseph Bell	Mr. Jno. Herring
Mr. Jno Smith	Mr. W[m] Bartram	Mr. Jno. Carruthers
Mr. Jos. Clark	Mr. Fran: Stringer	Mr. Jos. Howell
Mr. Rufus Marsden	Mr. Jno. Swann	Mr. John Sampson

James Derham, Door keeper

Benj Fordham, Messenger

Mr. Haywood and Mr. Jno. Swann waited on His Excellency The Governour and acquainted him that the House was met in order to proceed on Business.

His Excellency the Governour was pleased to desire the House to adjourn till to-morrow and then he would receive them

The House adjourned till to-morrow 9 o'clock

Wednesday the 29th of March 1749

Mr. Starkey, Mr. Dawson, Mr. Washington appeared.

His Excellency was pleased to prorogue this Assembly untill Thursday the 30th of March, for want of a sufficient number of His Majesty's Honorable Council

Thursday the 30th of March 1749

The General Assembly met according to the prorogation

His Excellency the Governour sent a message to this House Commanding their Immediate attendance in the Council Chamber

The House in a full Body waited On His Excellency the Governour in the Council Chamber where His Excellency was pleased to make the following speech, and which was Read and ordered to be Engrossed: which is as follows (viz:)

Gentlemen of His Majesty's Council Mr. Speaker and Gentlemen of The House of Representatives

Your Behaviour during the two last Sessions leave me no room to doubt, that you are now assembled with the best dispositions to promote His Majesty's service, The Good of Your Country, and the peace Quiet and Security of your Fellow subjects.

You have already passed many Excellent Laws, Intirely calculated for the Benefit of the whole province without any views to party or personal Interest: Laws which even in the Judgment of your Enemies themselves are highly proper, Just and necessary in the present Circumstances of the Country and against which they can only form one objection, that they themselves did not see fit to be present at the making of them, Though if they had, I am afraid such Laws had never been Enacted, at least not with that Unanimity and not without much greater Struggle than they were, Expressly those two most Excellent Acts, the one for Revising and printing the Laws and the other for Granting a Rent Roll to the King and the Earl Granville, the former absolutely necessary for securing the lives and properties of a free Born people against the frauds and tricks of Ignorant and Insolent pretenders to the Law and the Letter, what Common Justice to our Landlords absolutely required and Demanded.

And yet neither of these points though often seriously recomended and Earnestly contended for could ever be carried while these Gentlemen Honored the Assembly with their presence.

Go on therefore Gentlemen and continue in the same good cause you have begun, nothing adds a greater Lustre to Virtue and publick spirited

actions than a Steddy and undaunted perseverence, Let no vain clamorous Boastings, no monstrous calumnies & Forgeries Industriously spread among Ignorant people, no petulent noisy Behaviour in private conversation, the constant attendants of a bad and desperate cause either deter or dishearten you. You have the Happiness of living under a most just and gracious prince, who as he is tender of the rights of his meanest and most Distant subjects so he will never suffer his writs to be affronted or his prorogatives disdained farr less will he suffer his subjects in this province to be robbed of the priviledges of Englishmen of the Benefit of Assemblies and the British Constitution at the Caprice or humour of the Members of five or six Counties.

This Gentlemen is the true and just state of the dispute which is at present carried on with so much heat by the persons who want to Engross the whole Legislative power to themselves, and I don't at all Doubt but it will be soon Decided Intirely to your satisfaction.

March 30th 1749 GAB: JOHNSTON

The House Returned

Mr. Dawson moved that a Committee be appointed to prepare an address to His Excellency the Governour in answer to the sd speech.

Resolved, That Mr. Jno. Swann and Mr. Jno Starkey be appointed a Committee to prepare the said address and present the same to this House, and they are accordingly appointed.

Read the petition of several Inhabitants of the upper part of New Hanover County, setting forth the Great Hardships they labour under in Travelling near 160 miles to the Court of the said County held at Wilmington, Praying a Bill for an Act may be brought in to this House to Erect the upper part of said County of New Hanover into a Distinct County and parish &c

Ordered that a Bill be brought in for the said purposes

Mr. Sampson, Mr. Herring and Mr. Lovett are appointed to prepare and bring in the same.

The House adjourned till to-morrow morning 10 o'clock.

Friday the 31st of March 1749. The House met according to adjournment.

The House adjourned till to-morrow 9 o'clock.

Saturday the 1st of Aprill 1749. The House met according to adjournment.

The House adjourned till Monday Morning 10 o'clock.

Monday the 3d of Aprill 1749. The House met according to adjournment

Mr. John Swann from the Committee appointed to prepare an address to His Excellency the Governour in answer to His Excellency's Speech, acquainted this House that the said Committee had prepared the said address, which address he presented to the House for approbation.

Ordered the same be Read, which was as follows (viz:)

NORTH CAROLINA—ss.

To His Excellency Gabriel Johnston Esq Governour and Commander in Chief of His Majesty's Province of North Carolina

The Humble Address of the General Assembly of the said Province

MAY IT PLEASE YOUR EXCELLENCY,

We return your Excellency our sincere and hearty thanks for your speech at the opening of this Session of General Assembly, and we Intirely agree with your Excellency in the nature of that unhappy dispute at present so Industriously carried on by a part of our fellow Subjects which you are pleased so justly, truly, and concisely to state to us

We Esteem it amongst the Greatest of Blessings of Providence to live the Subjects of a most Gracious prince. One that throughout his whole Reign hath been extremely tender of the Rights and Liberties of all his Subjects How farr soever Removed from his Royal presence And as we are not Conscious of our having shewn the Least disobedience to His Majesty's Writs and prorogatives: so we Confidantly trust His Gracious Majesty will not suffer us His Good Subjects residing in this Province to be Bereaved of any of those Valuable Priviledges, We as Subjects of Great Britain are born unto and particularly the Benefit of General Assemblys at the Capricious humour of the members of five or six of the most Northern Counties.

In the passing of those two Laws your Excellency is pleased to mention as well as several others, We had no view to gratify any party or private Interest, But as we then were, we still continue to be of opinion that they were all calculated to promote the welfare and Interest of the Inhabitants of the whole province, and in our present circumstances absolutely necessary for securing the Lives and fortunes of all our fellow Subjects and doing Justice to our Land lords.

We assure your Excellency we are now met again with strong resolutions steadily to persevere in promoting His Majesty's Service, and the Quiet, peace and security of all our constituents—And we firmly resolve no clamorous Boastings, no vain stories by whom soever artfully published and spread shall Deter or Discourage us from passing such other

Laws as may conduce to so Laudable an End or from concerting such further measures as shall be Judged most proper to support the Laws allready made and for defeating the Artifices and Designs of the obstructors of so much Desired peace and Settlement.

To all which from our many Years Experience of your Excellency's readiness on all occasions to join in everything proposed for His Majesty's Service and the Good of this province. We assure ourselves of your concurrence—And as our Disputes are now laid before His Majesty in Council, we doubt not when the truth of the controversy shall be clearly Represented, it will meet with a Decission to our Satisfaction

3rd Aprill 1749 By Order S. SWANN, Speaker

The House approved thereof and Resolved That the same be presented to His Excellency the Governour

Mr. John Swann moved that a Committee for settling and allowing the publick claims of this province in conjunction with those of His Majesty's Council as they shall think proper to appoint.

And the following persons were according[ly] appointed (viz:) Mr. Jno. Swann Mr. Thos: Lovick Mr. Jno. Dawson Mr. Jno: Starkey and Mr. Jno: Haywood

Sent the following Message to the Council

Gentlemen of His Majesty's Honorable Council

We have appointed Mr. Jno: Swann, Mr. Thos: Lovick, Mr. Jno: Dawson, Mr. John. Starkey and Mr. Jno. Haywood a Committee of this House on the publick claims to joyn those of your House as you shall think fit to appoint By Order SAM SWANN, Speaker

3rd April 1749

And we have likewise appointed the following persons a Committee to Examine Settle and adjust the publick accounts with the Treasurers of the Southern and Northern Districts of this Province—in conjunction with those members of your House as you shall think fit to appoint (viz:) Mr. Swann, Mr. Starkey and Mr. Dawson

3rd Aprill 1749 By Order S. SWANN Speaker

Sent the above two Messages by Mr. Jno. Swann.

His Excellency the Governour sent a Message to this House acquainting them he was ready to receive their address and commanded the Immediate attendance thereof in the Council Chamber therewith, the House in a full Body waited on His Excellency the Governour in the Council Chamber with their address and presented the same to his Excellency who was pleased to return his thanks to this House for the same.

The House returned.

The House adjourned till three o'clock in afternoon.

P. M. The House met according to adjournment.

Mr. Jno. Swann moved for leave to bring in a Bill for an Act to put in force in this Province the several statutes of the Kingdom of England or South Britain therein particularly mentioned.

Ordered he have leave and that he prepare and bring in the same, which he accordingly did and read the same in his place.

Ordered the same pass and be sent to the Council.

Sent the above Bill to the Council by Mr. Sampson

Received the following message from the Council (Viz:)

Mr. Speaker and Gentlemen

This House on reading the message of the House Regarding the appointment of the Committees of the Accounts and Claims &c thought proper to appoint the Honorable Eleazer Allen and Roger Moore Esq^{r} on the accounts and the Honorable Mathew Rowan and Col. Forbes on the claims to joyn those of your House

By Order of the Upper House R^{d} LOVETT,
Dated 3^{d} Aprill 1749 Clk Upper House

Mr. Jno. Sampson one of the Committee to prepare a Bill for an Act for Erecting the Upper part of New Hanover County into a County and Parish and for appointing a place for Building a Court House, Prison and Stocks in the said County brought in the same which he read in his place.

Ordered the same pass and be sent to the Council.

Sent the above Bill to the Council by Mr. Sampson.

Mr. Jno. Carruthers moved for leave to bring in a Bill for an additional Act to an Act Intituled an Act for the Better Regulating the Town of New Bern for fencing the same and securing the Titles of the several persons who hold lotts in the said town.

Ordered he have leave and that he prepare and bring in the same, Which he did accordingly and Read the same in his place.

Ordered the same pass and be sent to the Council.

Sent the above Bill to the Council by Mr. Carruthers.

The House adjourned till to-morrow morning 10 o'clock

Tuesday the 4th Aprill 1749 The House met according to adjournment.

(Certificate.)

H. Johnston R. Washington W^{m} Hynes of N. Hampton. Received the following Certificates from the County Court of Northampton

County (to-wit) One in behalf of Henry Johnston of said County, One In Behalf of William Hynes of said County, One in Behalf of Richard Washington of said County, therein certifying that the said persons are very poor and Infirm, and ought to be exempt from paying publick Taxes and doing publick Duties.

Ordered they be Exempt accordingly.

The House adjourned till to-morrow 9 o'clock

Wednesday the 5th of April 1749. The House met according to adjournment.

Mr. John Starkey moved for leave to bring in a Bill for an Act for appointing Packers and to prevent frauds in Divers Commodities Exported out of this Province, also a Bill for an Act for the relief of poor Debtors, and the Bill for an Act for founding, Erecting, ordering and visiting a free school at for the use of the Inhabitants of this province. And a Bill for an Act Directing the method for cutting or Docking Intails of small estates. And a Bill for an Act to enable the Justices of the several Counties to provide Certain Books for the use of their County Courts. And also a Bill for an Act for the Relief of the poor, and to prevent Idleness.

Ordered he have leave and that he prepare and bring in the same, which he did.

Ordered the same be read to-morrow.

The House adjourned till to-morrow 9 o'clock.

Thursday the 6th Aprill 1749 The House met according to adjournment

Mr. Rufus Marsden moved for leave to bring in a Bill for an Act for the Encouragement of James Davis to set up and carry on his Business of a printer in this province, and for other purposes therein mentioned.

Ordered he have leave and that he prepare and bring in the same, which he accordingly did, and Read the same in his place.

Ordered the same pass and be sent to the Council.

Sent the same to the Council by Mr. Starkey and Mr. Sampson.

Ordered the Bills brought in yesterday by Mr. Starkey be Read. Read the said Bills.

Ordered the same pass and be sent to the Council.

Sent the above Bills to the Council by Mr. Starkey and Mr. Sampson.

The House adjourned till to-morrow 9 o'clock.

Friday the 7th of Aprill 1749 The House met according to adjournment.

Edward Moseley Esq. one of the Commissioners appointed to Revise and print the Laws now in force in this province Reported that the Committee had Revised the said Laws and produced the same to this House.

Mr. John Swann moved that a Committee be appointed to Examine and compare the said Revisals with the Originals and Report the same to the House. And Mr. John Swann, Mr. Jno. Starkey, Mr. Fran. Stringer, Mr. Joseph Bell, Mr. Jos. Clark, Mr. Joseph Howell, Mr. Jno. Dawson, Mr. W. Eaton, Mr. Jno. Smith, Mr. Rufus Marsden, and Mr. Jno. Carruthers are accordingly appointed in Conjunction with those of his Majesty's Council as shall by them be thought proper to appoint.

Ordered the following message be sent to the Council

GENTLEMEN OF HIS MAJESTY'S COUNCIL

This House have appointed Mr. Jno. Swann, Mr. Jno. Starkey, Mr. Fra: Stringer, Mr. Jos. Bell, Mr. Jos. Clark, Mr. Jos. Howell, Mr. Jno. Dawson, Mr. W^{m} Eaton, Mr. John Smith, Mr. Rufus Marsden, and Mr. Jno. Carruthers a Committee to Examine and Compare the Laws Revised by the Commissioners appointed for that purpose with the Originals In Conjunction with those members of Your House, as Your Honor shall think proper to appoint and Report the same to this House

7th Aprill 1749 By Order S. SWANN, Speaker

Sent by Mr. Jno. Swann and Mr. Dawson

Mr. Jno. Sampson One of the Committee appointed to prepare and bring in a Bill for an Act for Dividing Bladen County and for Erecting the Western part thereof into a separate County and parish by the name of Anson County and parish of Brought in the said Bill which he read in his place

Ordered the same pass and be sent to the Council

Sent the same to the Council by Mr. Jno. Swann and Mr. Dawson.

Received from the Council the Bill for an Act for the encouragement of James Davis to Set up and Carry on his Business of a printer in this province &c And the Bill for an additional Act to an Act, Intituled an Act for forming a Rent Roll of all the Lands holden in this province for Quieting the Inhabitants in their possessions and for directing the payment of Quit rents. Endorsed Aprill the 6th 1749 In the Upper House Read the first time and passed.

By Order R^{d} LOVETT Clk

Read the second time the Bill for an Act for the Encouragement of James Davis to Set up and carry on his business of a printer in thi province &c

Ordered the same pass with amendments and be sent to the Council

Read the first time the Bill for an additional Act to an Act Intituled an Act for forming a Rent Roll &c.

Ordered the same pass and be sent to the Council

Sent the above two Bills to the Council by Mr. Swann and Mr. Dawson

The House adjourned till 9 o'clock to-morrow morning

Saturday the 8th of Aprill 1749 The House met according to adjournment

Received from the Council the following Bills (viz:)

The Bill for encouraging James Davis to set up and carry on his Business of a printer in this province and so forth Endorsed Aprill 8th 1749 In the Upper House Read the second time and passed

By Order R^d LOVETT Clk

The Bill for an Act for the Relief of the poor &c and The Bill for an Act directing the method of Cutting or Docking Entails of Small Estates Endorsed Aprill the 8th 1749 In the Upper House read the first time and passed. By Order of the House R^d LOVETT Clk

Received from the Council the Bill for an Act for Dividing Bladen County, and for erecting the Western part thereof into a Separate County &c Endorsed Aprill 8th 1749 In the Upper House Read the first time and passed By Order R^d LOVETT Clk

And the following message (viz:)

MR. SPEAKER AND GENTLEMEN

This House on Reading your message of yesterday and considering the same thought proper to appoint the Honorable Nat. Rice and Edward Moseley Esq^rs Two of the members of this Board a Committee to joyne those of yours to Examine and Compare the Laws revised by the Commissioners appointed for the said purpose By Order of the Upper House R^d LOVETT Clk

Aprill 8th 1749

Received from the Council the Bill for an Act for Erecting the Upper part of New Hanover County into a County and parish &c. Endorsed Aprill 8th 1749. In the Upper House read the first time and passed.

By Order R^d LOVETT Clk.

Read the second time the Bill for Erecting the Upper part of New Hanover County into a County and parish &c. and the Bill for an Act directing the method of cutting or Docking Entails of small Estates.

Ordered &c.

And the Bill for the Relief of the poor and to prevent Idleness.

And the Bill for an Act for Dividing Bladen County, for Erecting the Western part thereof into a County and parish &c.

Ordered the same pass and be sent to the Council.

Sent the same to the Council by Mr. Starkey and Mr. Sampson.

Received from the Council the following Bills (viz:)

The Bill for an Act to Enable the Justices of the several Counties to provide certain Books &c.

The Bill for appointing Packers &c.

The Bill for Relief of Poor Debtors &c.

The Bill to put in force in this province the several Statutes of the Kingdom of Great Britain &c. Endorsed Aprill 8th 1749. In the Upper House read the first time and passed.

By Order R^d LOVETT Clk.

The House adjourned till 3 o'clock afternoon.

P. M. The House met according to adjournment.

Received from the Council the Bill for an additional Act to an Act for the better Regulating the Town of New Bern &c. Endorsed Aprill the 8th 1749. In the Upper House Read the first time and passed. By Order of the House R^d LOVETT Clk.

Received from the Council the Bill for an Act for founding and erecting a free school &c. Endorsed Aprill 8th 1749. In the Upper House Read the first time and passed. By Order

R^d LOVETT Clk.

Read the second time the Bill for an Act to put in force in this province the Several Statutes of the Kingdom of England or South Britain &c.

Ordered the same passed with amendments and be sent to the Council

Sent the above Bill to the Council by Mr. Haywood and Mr. Macklewean

Received from the Council the Bill for an additional Act to an Act Intituled an Act for forming a Rent Roll &c Endorsed Aprill 8th 1749 In the Upper House Read the second time and passed with amendments.

By Order R^d LOVETT Clk

Read the second time The Bill for an Act to Enable the Justices of the several Counties to provide certain Books for the use of their County Courts with amendments. Ordered the same pass and be sent to the Council.

Sent the same to the Council by Mr. Haywood and Mr. Macklewean.

Read the second time the Bill for an Act for the Relief of poor Debtors with amendments.

Ordered the same pass and be sent to the Council.

Sent the same to the Council by Mr. Haywood and Mr. Macklewean.

The House adjourned till Monday morning 10 o'clock.

Monday the 10th Aprill 1749. The House met according to adjournment.

Read the third time the Bill for an act for the Encouragement of James Davis to set up and carry on his Business of a printer in this province with amendments.

Ordered the same pass and be sent to the Council.

Sent the same to the Council by Mr. Haywood and Mr. Eaton.

Received from the Council the Bill for an act for the Relief of poor Debtors. Endorsed Aprill 10th 1749. In the Upper House. Read the second time and passed. By Order of the House.

Rd LOVETT Clk.

And the Bill for an Act for directing the method of cutting or Docking Entails of small Estates. Endorsed Aprill 10th 1749. In the Upper House Read the second time and passed with amendments.

By Order Rd LOVETT Clk.

Read the Second time the Bill for an Act for founding, Erecting, Governing, Ordering and Visiting a free school &c. passed with amendments.

Sent the same to the Council by Mr. Starkey and Mr. Marsden.

Received from the Council the Bill for dividing Bladen County and the Bill for Erecting the Upper part of New Hanover County into a County &c Endorsed Aprill 10th 1749 In the Upper House Read the second time and passed with amendments

By Order Rd LOVETT Clk

Read the second time the Bill for an Additional Act to an Act Intituled an Act for forming a Rent Roll &c. and passed with amendments.

Sent the same to the Council by Mr. Starkey and Mr. Marsden.

The House adjourned till 3 o'clock afternoon

P. M. The House met according to adjournment.

Read the Bill for an Act appointing Packers &c. the second time and passed with amendments

And the Bill for an Additional Act to an Act Intituled an Act for the regulating the Town of New Bern &c the second time with amendments.

Ordered the same pass and be sent to the Council.

Sent the same to the Council by Mr. Macklewean and Mr. Carruthers

Received from the Council the Bill for an Act for the Encouragement of James Davis to set up and carry on his Business of a Printer &c. Endorsed Aprill 10th 1749 In the Upper House Read the third time and passed. By Order R^d LOVETT Clk

And the Bill for an additional Act to an Act Intituled an Act for forming a Rent Roll &c. Endorsed Aprill 10th 1749 In the Upper House Read the third time and passed

By Order R^d LOVETT Clk

The House adjourned till to-morrow morning 9 o'clock

Tuesday the 11th of Aprill 1749. The House met according to adjournment

Read the third time the Bill for an additional Act to an Act Intituled an Act for forming a rent Roll for all the Lands in this province and passed.

And the Bill for an Act for Dividing Bladen County and for Erecting the Western part thereof into a separate County and parish &c. the third time and passed.

And the Bill for an Act for erecting the Upper part of New Hanover County into a County and parish &c the third time and passed.

And the Bill for an Act for the Relief of poor Debtors &c. the third time and passed.

And the Bill for an Act Erecting the method of Cutting or Docking Entails of small Estates the third time and passed.

Sent the above five Bills to the Council by Mr. Swann and Mr. Sampson.

Mr. John Swann moved that His Excellency the Governour be acquainted that Mr. Benjamin Peyton late one of the Members of this House is Dead and Direct him to order a Writ to Issue to Elect and choose a member to sit and vote in this House in the Room and stead of the said Benj Peyton Deceased.

Ordered that Mr. Jno. Swann acquaint His Excellency therewith and desire him to order a Writ to Issue agreeable to his motion aboves^d

The House adjourned for an hour.

The House met according to adjournment.

Received from the Council the Bill for an Act for the Relief of Poor Debtors. and the Bill for an Act for directing the method of Docking Entails of Small Estates. Endorsed Aprill 11th 1749. In the Upper House Read the third time and passed.

Ordered to be sent down and Engrossed.

By Order. R. LOVETT Clk.

The House adjourned till to-morrow 9 o'clock.

Wednesday the 12th of Aprill 1749. The House met according to adjournment.

Mr. Thomas Lovick Chairman of the Committee of Claims for this province Reported the several claims allowed by the Committee which were Read and concurred with.

Ordered the same be sent to the Council for their Concurrence.

Sent the same to the Council by Mr. Marsden and Mr. Carruthers.

The House adjourned till 3 o'clock afternoon

P. M. The House met according to adjournment.

Upon Enoch Hall Esq. His Majesty's Chief Justice of this Province having Represented to this House that he hath been at great Expence in riding the Circuits, and that by the neglect of the several Sheriffs in this province collecting the Tax laid for raising money to pay the salary by Law appointed for that service whereby the publick is now in arrear to him the sum of Two Hundred twenty two pounds six shillings and four pence proclamation money. Therefore he humbly hopes that the House will take the same into Consideration and Direct that the said arrear be paid him whereby he may be enabled the Better to perform the Duty to which he is obliged by the Law in riding the sd Circuits.

Resolved by this House that the said arrears be paid by the sd Enoch Hall Esq. by the Commissioners for stamping and Emitting the sum of 21350: publick Bills of Credit of this province at the rate of proc'l. money out of the publick chest and that as the money arising by the said Tax shall be received and accounted for as the Law Directs by the Sheriffs of the several Countys the same shall be applyed to the reimbursing the Publick the said sum.

Ordered the same be sent to the Council with the following message (viz:)

Gentlemen of His Majesty's Honorable Council,

We herewith send you the Resolve of this House in regard to the payment of the arrears due from the publick to the Honorable Enoch

Hall Esq. His Majesty's Chief Justice for riding the several Circuits in this province which by Law he is obliged to do, and desire your Honors Concurrence with us thereon. By Order

The House adjourned till to-morrow morning 9 o'clock.

Thursday the 13th of Aprill 1749. The House met according to adjournment.

The accounts of Edward Moseley Esq. and Thomas Barker general Treasurers of this province being reported to this House by the Committee for Examining and stating the Publick accounts

Resolved, That the sum of Seven Hundred and Twelve pounds Twelve shillings and Seven pence half penny accounted for and paid into the said Committee on the sinking fund and also the sum of Twelve Hundred and sixty one pounds fifteen shillings accounted for and paid into the same Committee as part of the loan money by Edward Moseley Esq. be Burnt, and that as the said Thomas Barker hath not satisfied the said Committee what part of the money paid in by him was received and paid in upon the account of the sinking fund. The Sum of Two Thousand two Hundred and ninety pounds Twelve shillings and nine pence old money by him paid into the said Committee be Burnt and that the new or proclamation money by him paid in to the said Committee be Lodged in the publick Chest till the said Thomas Barker shall make appear to this House on what account or Tax the said money was paid in to him by the several Sheriffs that the same money may be disposed of and applyed accordingly.

Ordered the above Resolve and also that of yesterday be sent to the Council.

Sent the same to the Council by Mr. Starkey and Mr. Haywood.

Mr. Jno. Swann from the Committee of Publick accounts Reported as by Book of Reports. To which the House concurred.

Ordered the same be sent to the Council for their Concurrence.

Sent the same to the Council by Mr. Starkey and Mr. Haywood.

Received from the Council the Reports of the Committee of Claims. Endorsed Aprill 12th 1749:

The above reports were Read in the Upper House, approved and allowed of.

Ordered to be sent down for the Concurrence

By Order NAT. RICE P.
SAMUEL SWANN, Speaker

Test. Rd Lovett Clk.

Total. £1562.3.11

The House adjourned till to-morrow 9 o'clock.

Friday the 14th of Aprill 1749. The House met according to adjournment.

Received from the Council the Reports of the Committee of publick Accounts Endorsed concurred with NAT RICE, P.

And also the two Messages sent yesterday Endorsed, Concurred NATH RICE P.

Sent the following messages to his Excellency the Governour (viz:)

MAY IT PLEASE YOUR EXCELLENCY

The revised Laws having been laid before this House &c. We further take leave to address your Excellency that as you were pleased to appoint Commissioners to sell such goods as were saved and taken from the Spains [Spanish] Wreck (and to distribute one half part thereof amongst the Sufferers in proportion to their losses, having a particular regard to the poorer, sent one fourth part amongst such persons as had distinguished themselves by their Bravery, and that the other fourth part should be returned to your Excellency to be applyed by the Governors Council and General Assembly towards defraying the Expenses of the Expedition) You will also be pleased to direct the said Commissioners to return to your Excellency an account of the money arising from the Sale of the said goods and Effects at the next Assembly that the said fourth part appointed by your Excellency, towards reimbursing the said Expense to the publick may be applyed by your Excellency and the Council and the General Assembly accordingly.

And as Saml Johnston Esq. former receiver of the Powder money and Import dutys at port Brunswick produced to the Committee of Publick Accounts, Receipts from your Excellency for the Sum of Two Thousand pounds old Currency for dispatches and other contingencies during the four first years of your Excellencys administration—the same not giving this House the satisfaction they could wish—Desire your Excellency would be pleased to order the several papers and Vouchers to be laid before this House at the next Session for their further satisfaction. S. S. S.

On the motion of Mr. Starkey that the several sums of money paid into the Committee of publick accounts may be Burnt, agreeable to an Act of the General Assembly of this province

Resolved that the sum of £712.12.7½ paid in on the sinking fund, and the sum of £1261.15.10 loan money paid in by Edward Moseley Esq., one of the Treasurers of this province, the sum of £2290.12.9 Old Bills paid in by Thomas Barker Gen^{t} the other Treasurer of this province. and also the sum of £1252.5.6 old Bills Exchanged for New by the Commissioners for stamping and Emitting the sum of £21350 proc'l Be Burnt at Twelve of the clock this day in the publick street before the Court House in presence of the Members of Both Houses or such of them as will attend.

Your Honors will please to take notice that Edward Moseley Esq paid into the said Committee the sum 189.13.3 proc'l new money in discharge of the sum of £1422.2.11½ old money of the above mentioned sum by him paid in as above mentioned and is part of the same to be Burnt.

Ordered the above Resolve be sent to the Council for Concurrence.

Sent the above Resolve by Mr. Swann and Mr. Bell.

The House adjourned till two o'clock. P. M.

The House met according to adjournment.

Received from the Council the Resolve of this House sent this morning. Endorsed, Concurred with N. R. Agreeable to the said Resolve the sum of £4480. old Bills and £189.13.3 Equal to proc'l new money, in the presence of several of the Members of Both Houses were Burnt.

His Excellency the Governor sent to this House Commanding their Immediate attendance in the Council chamber with what Bills were Engrossed.

Mr. Speaker and the House in a full Body waited on His Excellency the Governor in the Council Chamber, and Mr. Speaker presented the following Bills (viz:)

1. The Bill for an additional Act to an Act Intituled an Act for forming a Rent Roll (vide) Title

2. The Bill for the relief of poor Debtors as to the Imprisonment of their persons

3. The Bill for an Act for directing the method of Cutting or Docking Intails of Small Estates

To which three Bills his Excellency was pleased to assent

Then prorogued this Assembly to the fourth Tuesday in September next then to be held at New Bern

Mr. Speaker with the House Returned and Reported the prorogation accordingly

NORTH CAROLINA.

At an Assembly begun and held at Newbern on Tuesday the Twenty eighth day of March, in the year of our Lord one Thousand, seven hundred, and forty eight, and in the Twenty third year of his present Majesties reign, and continued by several Prorogations untill Tuesday the Twenty sixth day of September: And from thence continued by several Prorogations and Adjournments until Monday the second day of October instant in the year of our Lord, one thousand seven hundred, and forty nine, being the seventh Session of Assembly.

In the upper House. October 2d 1749.

Present His Excellency the Governour.

The Honourable { Eleazar Allen. James Murray. / Roger Moore. James Hasell. / William Forbes. } Esqrs Members of the Council.

Two of the Members of Council having died, his Excellency was pleased to appoint James Hasell Esqre one of the Members of this Board, who, after taking the Oaths for his qualification took his seat accordingly.

Then his Excellency sent a Mandate to the Lower House commanding their immediate attendance. Whereupon the Speaker attended by the Lower House, waited upon his Excellency in the Council Chamber, who directed them to return to their House and forthwith proceed upon business.

Mr. Dawson and Mr. Haywood Brought up the following message (viz.)

GENTLEMEN OF HIS MAJESTIES COUNCIL.

We have appointed Mr. John Swann, Mr. Thomas Lovick, Mr. Rufus Marsden, Mr. John Herring, Mr. Edward Jones, Mr. John Starkey, Mr. Ja: M°Klewain, Mr. William Barnham, Mr. John Haywood, Mr. John Dawson, and Mr. John Carruthers a Committee to examine the revisal of the Laws now in force in this Province which were laid before this House last Session of Assembly in conjunction with such of your Board as your Honours shall think proper to appoint.

To which this Board were pleased to send the following answer. (viz)

MR. SPEAKER AND GENTLEMEN,

In answer to your Message by Mr. John Dawson, and Mr. Haywood, we think no number less than our whole House will be sufficient for the purpose you mention, as we consist at present only of five Members, we shall all therefore meet your Committe at the Council Chamber, as soon as you shall think fit.

Then the House adjourned 'till Three o'clock in the afternoon.

The House met according to adjournment.

Present.

The Honourable { Eleazar Allen. James Murray. / Roger Moore. James Hasell. / William Forbes. } Esq^rs Members.

And adjourned until To-morrow morning Nine o' the clock.

Tuesday. October 3^rd. The House met according to adjournment.

Present.

The Honourable { Eleazar Allen. James Murray. / Roger Moore. James Hasell. / William Forbes. } Esq^rs Members.

And adjourned until Nine of the clock in the morning.

Wednesday. October 4^th The House met according to adjournment.

Present.

The Honourable { Eleazar Allen. William Forbes / Roger Moore. James Hasell. / James Murray. } Esq^rs Members.

Whereas there is a dispute subsisting between the Honourable James Murray and William Forbes Esq^rs on the precedency of their seats in Council

Upon debating the same, it is ordered that the said Gentleman's names stand in the same order, as formerly they did, in the Journals of this House, until the said dispute shall be determined by the Governor in full Council.

Then the House adjourned 'till to-morrow morning nine o'clock.

Thursday. October 5^th The House met according to adjournment.

Present.

The Honourable { Eleazar Allen. James Murray. / Mathew Rowan. William Forbes. / Roger Moore. James Hasell. } Esq^rs Members.

And adjourned until To-morrow morning Nine o'clock.

Friday. October 6^th The House met according to adjournment.

Present.

The Honourable { Eleazar Allen. James Murray. / Mathew Rowan. William Forbes. / Roger Moore. James Hasell. } Esq^rs Members.

And adjourned until to-morrow morning Nine o'clock.

Saturday October 7th The House met according to adjournment.

Present.

The Honourable { Eleazar Allen. James Murray. / Mathew Rowan. William Forbes. / Roger Moore. James Hasell. } Esqrs Members.

And adjourned until Monday morning Nine o'clock.

Monday. October 9th The House met according to adjournment.

Present.

The Honourable { Eleazar Allen. James Murray. / Mathew Rowan. William Forbes. / Roger Moore. James Hasell. } Esqrs Members.

And adjourned till Three o'clock in the afternoon.

The House met according to adjournment.

Present.

The Honourable { Eleazar Allen. James Murray. / Mathew Rowan. William Forbes. / Roger Moore. James Hasell. } Esqrs Members.

Mr. John Swann Brought up the following message (viz.)

Gentlemen of his Majesties Honourable Council.

We have appointed Mr. John Swann, Mr. Thomas Lovick, Mr. John Dawson, Mr. John Starkey and Mr. John Haywood, a Committee of this House, on the Publick Claims, to join those of your House as you shall think fit.

To which this House was pleased to send the following answer. viz:

Mr. Speaker and Gentlemen

In answer to your message relating to a Committee on the Claims, this House have appointed Mathew Rowan and James Hasell Esqrs a Committee to join yours on that service.

Mr. John Swann and Mr. John Sampson Brought up the following Bills (viz.)

A Bill for an Act for erecting the upper part of Hanover County into a County and Parish by the name of Donagal County, and Parish of Fawn, and for appointing a Place for building a Court House, Prison and stocks in the said County. And also for dividing Bladen County, and erecting the western part thereof into a separate County and Parish, by the name of Anson County and St George's Parish.

A Bill for an Act to enable the Justices of the several Counties to provide certain Law books for the use of their County Courts.

In the Lower House read the first time and past. In this read and past.

A Bill for an Act for the relief of the poor.

A Bill for an Act to put in force in this Province several Statutes of the Kingdom of England, and South Britain, therein particularly mentioned.

In the Lower Houee read the first time and passed.

Then the House adjourned till tomorrow morning 9 o' the clock.

Tuesday. October 10th The House met according to adjournment.

Present.

The Honourable { Eleazar Allen. James Murray. / Mathew Rowan. William Forbes. / Roger Moore. James Hasell. } Esqrs Members.

Read the Bill for an Act to enforce several Statutes of Great Britain, in this Province the first time and past.

The Bill for an Act for relief of the Poor, read the first time and past.

Then the House adjourned 'till to-morrow morning Nine o' the clock.

Wednesday October 11th The House met according to adjournment.

Present

The Honourable { Eleazar Allen. James Murray. / Mathew Rowan. William Forbes. / Roger Moore. James Hasell. } Esqrs Members.

And adjourned untill Three o'clock in the afternoon.

The House met according to adjournment.

Present

The Honourable { Eleazar Allen. James Murray. / Mathew Rowan. William Forbes. / Roger Moore. James Hasell. } Esqrs Members.

Mr. Swann and Mr. Starkey Brought up the following Bills (viz.)

A Bill, for altering, explaining and making perpetual an Act entituled An Act for the better regulating the Militia of this Government.

A Bill for an additional Act to an Act entituled, An Act to provide indifferent Jurymen in all Causes both Civil, and Criminal, and for an allowance for their attendance.

A Bill to revive a Clause in an Act of the General Assembly of this Province, intituled, An Act to fix a place for the seat of Government, and for keeping Publick Offices, for appointing circuit Courts, and for defraying the expence thereof, and also for establishing the Courts of Justice, and regulating the proceedings therein, past the fifth day of December 1746.

A Bill to confirm the several Acts of Assembly of this Province therein mentioned, as revised by the Commissioners appointed by an Act of the General Assembly of this Province, intituled an Act for appointing Commissioners to revise and print the Laws of this Province and for granting to his Majesty, for defraying the charge thereof, a Duty on rum, wine and distilled Liquors, and rice imported in this Province.

A Bill to appoint a Publick Treasurer in the room of the Honourable Edward Moseley Esq^{re} deceased.

In the Lower House read the first time and past.

Then the House adjourned 'till tomorrow morning Nine o'clock.

Thursday. October 12th The House met according to adjournment.

Present

The Honourable { Eleazar Allen. Mathew Rowan. Roger Moore. / James Murray. William Forbes. James Hasell. } Esq^{rs} Members.

Then the House were pleased to order the following Bills to be read (viz.)

The Bill, to revise a clause in an Act of the General Assembly intituled An Act for the seat of Government &c:

The Bill, to appoint a Publick Treasurer &c:

A Bill, for an additional Act to provide indifferent Jurymen &c:

The Bill, for an Act for making perpetual the Militia &c:

The Bill, for an Act to confirm the several Acts of this Province.

Read the said Bills the first time, and past.

Mr. Marsden, and Mr. Clark Brought up the Bill for an Act, for putting in force the several Statutes of the Kingdom of England &c: in this Province. In the Lower House read the second time and passed with Amendments. In this House read the second time, and passed with Amendments.

Mr. Sampson and Mr. Macklewain Brought up the Bill, for an Act, for dividing the upper part of New Hanover County into a County and Parish, and also the upper part of Bladen County into a County and Parish &c: In the Lower House read the second time and past with Amendments.

Mr. Starkey and Mr. Haywood Brought up a Bill, for an Act for the relief of the Poor &c: In the Lower House read the second time, and passed with Amendments.

Then the House adjourned till three o'clock in the afternoon.

The House met according to adjournment.

Present.

The Honourable { Eleazar Allen. James Murray. / Mathew Rowan. William Forbes. / Roger Moore. James Hasell. } Esqrs Members.

Mr. Starkey and Mr. Haywood Brought up the Bill for an Act to enable the Justices to provide certain law books for the use of their County &c: In the Lower House read the second time and passed with Amendments.

The Bill for an Act to divide the upper part of New Hanover County into a County and Parish, and the upper part of Bladen into a County and Parish. &c: Read and the question being put, whether the said Bills should pass, the same was rejected.

The Bill for an Act to enable the Justices of the several Counties to provide law Books &c: Read and the question being put whether the same should pass the same was rejected.

The Bill for relief of the Poor &c: read the second time and rejected. Nemine Contradicente.

Then the House adjourned till To-morrow morning Nine o'clock.

Friday October 13th The House met according to adjournment.

Present.

The Honourable { Eleazar Allen. James Murray. / Mathew Rowan. William Forbes. / Roger Moore. James Hasell. } Esqrs Members.

Mr. Swann and Mr. Starkey Brought up the following Bills (viz.)

The Bill to confirm several Laws of this Province. &c.

The Bill for altering and explaining the Militia Law. &c.

The Bill to appoint a publick Treasurer. &c:

The Bill to revise a Clause in an Act, entituled an Act to fix the place for the seat of Government. &c:

The Bill for providing indifferent Jurymen. &c. In the Lower House read the said Bill the second time, and passed with Amendments.

The Bill to confirm the several Laws of this Province. &c: Read and passed the second time.

The Bill for providing indifferent Jurymen. &c: Read and passed with amendments the second time.

The Bill to revise a clause in an Act, intituled, an Act to fix a place for the seat of Government. &c: Read the second time and passed.

The Bill to appoint a publick Treasurer. &c: Read the second time and passed.

The Bill to explain and alter the Militia. &c: Read the second time and past.

Mr. Starkey and Mr. Swann brought up the Bill to enforce the several Statutes of Great Britain in this Province. In the Lower House read the third time and passed with Amendments. In this House read the third time and past. Ordered the same be sent down and engrossed.

Then the House adjourned until three o'clock in the afternoon.

The House met according to adjournment.

Present.

The Honourable { Eleazar Allen. James Murray. / Mathew Rowan. William Forbes. / Roger Moore. James Hasell. } Esq^rs Members.

Mr. Sampson and Mr. Haywood Brought up the following Bills (viz.)

The Bill to appoint a publick Treasurer. &c:

The Bill for altering, explaining and continuing the Militia Law. &c:

The Bill for providing indifferent Jurymen. &c:

The Bill to revive a clause, in an Act, intituled an act, to fix a place for the seat of Government. &c:

In the Lower House read the third time and past.

Then the House adjourned until To-morrow morning 9 o'clock.

Saturday October 14th The House met according to adjournment.

Present.

The Honourable { Eleazer Allen. James Murray. / Mathew Rowan. William Forbes. / Roger Moore. James Hasell. } Esq^rs Members.

The Bill appointing a Treasurer. &c: Read the third time, and ordered to be sent down & engrossed.

The Bill for altering and explaining the act for regulating the Militia. &c:

The Bill to revive a Clause in the act of Assembly for fixing the seat of Government. &c:

The Bill for providing indifferent Jurymen. &c: Read the third time, and ordered the same to be sent down and engrossed.

Then the House adjourned until Monday morning nine o'clock.

Monday. October 16th The House met according to adjournment.

Present.

The Honourable. { Eleazar Allen. James Murray. / Mathew Rowan. William Forbes. / Roger Moore. James Hasell. } Esq^rs Members.

Mr. M^cKlewain and Mr. Clark Brought up the following message (viz.)

GENTLEMEN OF HIS MAJESTIES HONOURABLE COUNCIL,

We have appointed Mr. John Starkey and Mr. Dawson a Committee of this House to examine and compare the Laws passed your Board and the General Assembly this Sessions which are engrossed, in conjunction with those of your Board. as your Honours shall think fit.

The House, on reading the above message thought fit to appoint the Honourable James Murray and William Forbes Esq^{rs} a Committee of this House to join those of yours.

Whereupon the Members of the Lower House, in a Committee came up to the Council Chamber, and the Committee of both Houses proceeded upon comparing the said Bills.

Then the House adjourned until three o'clock in the afternoon.

The House met according to adjournment.

Present.

The Honourable	Eleazar Allen.	James Murray.	Esq^{rs} Members.
	Mathew Rowan.	William Forbes.	
	Roger Moore.	James Hasel.	

Then his Excellency came to the House, and sent a mandate to the Lower House Ordering their immediate attendance. Whereupon the Speaker, attended by the House, waited upon his Excellency, and this Board in the Council Chamber and his Excellency gave his assent to the Act to put in force in this Province, the several Statutes of the Kingdom of England &c:

The Act to revive a Clause in an Act of the General Assembly intituled an Act to fix a place for the seat of Government. &c:

The additional Act to an Act for providing indifferent Jurymen &c:

The Act to appoint a Publick Treasurer. &c:

The Act for altering, explaining and confirming an Act for regulating the Militia. &c:

Then his Excellency withdrew. And the House adjourned until tomorrow morning nine o'clock.

Tuesday. October 17th The House met according to adjournment.

Present.

The Honourable	Eleazar Allen.	James Murray.	Esq^{re} Members.
	Mathew Rowan.	William Forbes.	
	Roger Moore.	James Hasell.	

And adjourned until three o'clock in the afternoon.

The House met according to adjournment.

Present.

The Honourable { Eleazar Allen. James Murray. / Mathew Rowan. William Forbes. / Roger Moore. James Hasell. } Esq^rs Members.

Mr. Sampson and Mr. Clark Brought up the following Message. (viz.)

GENTLEMEN OF HIS MAJESTIE'S HONOURABLE COUNCIL

The Commissioners by Law appointed for stamping and emitting the sum of Twenty one thousand, three hundred and fifty pounds, publick Bills of Credit, and for exchanging the present Bills of Credit, having produced to this house, the sum of seven Thousand, five hundred, and ninety eight pounds of the Old Bills of Credit, by the said Commissioners exchanged this House have resolved that the same be burnt, in the publick Street, at four o'clock this evening, in presence of your Honours: to which this House desires your Honours concurrence, and that you will be pleased to be present at the same.

To which this House were pleased to send the following Answer (viz.)

MR. SPEAKER AND GENTLEMEN

This House concur with your Message, just now by Mr. Sampson and Mr. Clark relating to the burning the Bills and will attend at the time accordingly

Mr. Sampson and Mr. Haywood Brought up the Bill for confirming the Several Acts of Assembly in this Province &c: In the Lower House read the third time and passed. In this House read the third time and passed.

Ordered the same to be sent down and engrossed

Then the House adjourned until To-morrow morning Nine o'clock.

Wednesday October 18th The House met according to adjournment

Present.

The Honourable { Eleazar Allen. James Murray. / Mathew Rowan. William Forbes. / Roger Moore. James Hasell. } Esq^rs Members.

His Excellency the Governour came to this House and sent a Message to the Lower House, commanding their immediate attendance, with what Bills were engrossed. Whereupon Mr. Speaker attended by the Lower House waited on his Excellency the Governour in the Council Chamber when Mr. Speaker presented for his assent the following Bill (viz:)

The Bill to confirm the several Acts of Assembly of this Province therein mentioned as revised by the Commissioners appointed by an act

of the General Assembly of this Province intituled an Act for appointing Commissioners to revise and print the Laws of this Province, and for granting to his Majesty for defraying the expence thereof a Duty, on wine, rum, and distilled liquors, and Rice imported. To which his Excellency was pleased to assent, and then made the following Speech (viz:)

GENTLEMEN OF HIS MAJESTIES COUNCIL, THE SPEAKER AND GENTLEMEN OF THE HOUSE OF BURGESSES.

It is with great satisfaction that I now congratulate you on finishing the revisal of your Laws in order to their being printed, a work earnestly desired by and zealously struggled for by every honest man, for these fifteen years past but never could be got accomplished till now, by reason of the violent opposition and low intrigues of a restless sett of Men, who will always find their account in keeping the Country in ignorance and confusion.

It is from this happy Period you may date your having any Laws at all, for when Laws are not duly promulgated, when the Copies of them are hard to come at, and abound with Errors and mistakes of different Transcribers; such a scituation is really, and in effect, very little different from being entirely without Laws.

It must be a vast pleasure to you Gentlemen, when you reflect, that Providence has made you instruments of doing so much good to your fellow-subjects, your Country and Posterity. And I hope that what you have done (thō it is a great deal more than could have reasonably have been expected in so short a time) is only an Earnest and small Beginning of what the publick may expect from your future endeavours. There are many things essention to the happiness and Posterity of Society, still wanting among us; I shall only point out two of them at present: the first is, the want of a sufficient Provision for maintaining the Publick service and Worship of Almighty God in which we are most shamefully, and beyond all other Provinces in his Majestys dominions, deficient; and next to that, a Provision for the farther security of the Estates and Properties of Widows and Orphans. By the first of these, you give a proof of that Revenue and regard to the Supreme Governour of the Universe, so justly due to Him from all his rational creatures, and without whose aid and Blessing, all your other endeavours will prove to little purpose: By the second you will have an opportunity of shewing a becoming pity and compassion on the most Feeble and Helpless, and upon that account, I am afraid, frequently the most injured and oppressed Part of the Human Species. After so hard and

laborious a Session, I do not purpose these matters to your immediate Consideration, but I heartily wish you would consult your Constituents on these Points, and come prepared to enter upon them at your next meeting. I shall detain you no longer Gentlemen, only wish you a happy return to your Families and Plantations.

GAB: JOHNSTON.

And then his Excellency was pleased to prorogue this Assembly to the fourth Tuesday in March next, to be then held at Newbern.

At a General Assembly, begun and held at Newbern the Twelve day of June, in the Nineteenth year of the Reign of our Sovereign Lord George the Second, by the Grace of God, of Great Britain, France and Ireland, King, Defender of the Faith &c: and in the year of our Lord One Thousand Seven Hundred and Forty Six; and from thence continued, by several Prorogations, to the Twenty Sixth day of September, in the year of our Lord, One Thousand Seven Hundred and Forty Nine, in the Twenty Second year of his said Majesties reign: being the Seventh Session of this present General Assembly.

Tuesday. September 26. 1749.

The Writ for electing a Member to serve in this present General Assembly for Beaufort County in the room of Mr. Benjamin Peyton one of the Members of the said County, deceased, was returned a Certificate whereof was laid before this House by the Clerk of the Crown, by which it appeared, that Mr. Wyriot Ormond was elected a Member for the said County, in the room of the said Mr. Benjamin Peyton deceased; Pursuant thereto the said Mr. Ormond appeared, took the Oaths by Law appointed for his Qualification, subscribed the Test, and took his seat in the House accordingly.

And then the House adjourned till To-morrow morning 8 o'clock.

Wednesday. September 27. 1749. The House met according to adjournment. His Excellency the Governor was pleased to Prorogue this Assembly, until Thursday the 28th instant, to be then held at Newbern.

Thursday. September 28. 1749. His Excellency was pleased to prorogue this Assembly until Monday, the second day of October, to be then held at Newbern.

Monday. October 2. 1749. The House met according to prorogation. Ordered. That the Clerk bring into this House the revised Laws

which were laid before them the last Session of Assembly by the Commissioners appointed to revise the same. And they were laid before the House accordingly.

Mr. Starkey moved, that a Committee be appointed to examine the Revisal of the said Laws, and make report thereof to this House; and that a Message be sent to his Majesties Honourable Council to appoint such Members of their Board as they shall think proper, to join the Committee of this House, for examining the said Revisal.

Resolved. That Mr. Swann, Mr. Starkey, Mr. Lovick Mr. M°Lewean Mr. Marsden, Mr. Bartram, Mr. Herring, Mr. Haywood, Mr. Jones, Mr. Dawson and Mr. Carruthers, be appointed a Committee of this House to examine the said Revisal, and report the same thereto. And they are appointed accordingly.

Sent the following Message to his Majesties Honourable Council.

GENTLEMEN OF HIS MAJESTIES HONOURABLE COUNCIL

We have appointed Mr. John Swann, Mr. Starkey Mr. Lovick Mr. M°Lewean Mr. Marsden Mr. Bartram Mr. Herring Mr. Haywood Mr. Jones Mr. Dawson and Mr. Carruthers a Committee to examine the Revisal of the Laws now in force in this Province (which were laid before this House last Session of Assembly) in conjunction with such of your Board as you shall think proper to appoint.

By order. S. SWANN. Speaker.

Sent the above Message to Mr. Marsden and Mr. Haywood.

Received the following message from the Council. viz.

MR. SPEAKER AND GENTLEMEN.

In answer to your Message by Mr. Dawson and Mr. Haywood we think no number less than our whole House, will be sufficient for the purpose you mention, as we consist only at present of five Members, we shall all therefore meet your Committee at the Council Chamber as soon as you think fit. By order of the Upper House.

R. LOVETT. Clerk.

And then the House adjourned till To-morrow morning Eight o'Clock.

Tuesday. October 3. 1749. The House met according to adjournment.

Mr. Haywood moved that the House adjourn till to morrow morning nine o'clock, that the Members appointed of the Committee to examine the Revisal of the Laws now in force, may join those of the Committee of the Council appointed by that Board for the same purpose. Which was agreed to. Nem. Con.

Ordered. That the House adjourn accordingly.

Wednesday. October 4. 1749. The House met according to adjournment.

Mr. Swann moved that the House adjourn till tomorrow morning nine o'clock, that the Committee appointed to examine the revised Laws now in force, may join those of the Council appointed by that Board for the same purpose; Which was agreed to. Nem. Con.

Ordered. That the House adjourn accordingly.

Thursday. October 5. 1749. The House met according to adjournment.

Mr. Swann moved that the House adjourn till Tomorrow morning nine o'clock, that the Committee appointed to examine the revised Laws now in Force may join those of the Council, appointed by that Board for the same purpose, which was agreed to Nem: Con.

Ordered. That the House adjourn accordingly.

Friday. October 6. 1749. The House met according to adjournment.

Mr. Sampson moved that the House adjourn till Tomorrow morning nine o'clock, that the Committee appointed to examine the revised Laws now in force may join those of the Council, appointed by that Board for the same purpose, which was agreed to. Nem: Con:

Ordered. That the House adjourn accordingly.

Saturday. October 7. 1749. The House met according to adjournment: And then adjourned till Monday Morning Ten o'clock.

Monday. October 9. 1749. The House met according to adjournment.

Reported by the Committee appointed to examine the revised Laws now in force in this Province. That they had diligently examined and compared the same with the Originals and produced the said revisal to the House, for their approbation. The House approved thereof.

Resolved. That the said Laws so revised be printed by the Commissioners appointed for that purpose.

Mr. Swann moved that a Committee be appointed to settle and allow public claims &c: and the following persons were accordingly appointed viz. Mr. Swann, Mr. Lovick, Mr. Dawson, Mr. Starkey Mr. Haywood.

Sent the following message to the Council viz.

GENTLEMEN OF HIS MAJESTIES HONOURABLE COUNCIL

We have appointed Mr. Swann, Mr. Lovick, Mr. Dawson, Mr. Starkey

and Mr. Haywood a Committee of this House on the Public claims, to join such of your Board as you shall think fit to appoint.

By order. S. SWANN. Speaker.

Mr. Swann moved for leave to bring in a Bill to put in Force in this Province the several statutes of the Kingdom of England, or South Britain therein particularly mentioned.

Ordered that he have leave, and that he prepare and bring in the same.

Mr. Sampson moved for leave, to bring in a Bill, to erect the Upper part of New Hanover County, into a County and Parish by the name of Donegall County and Parish of Faun, and for appointing a place for building a Court-house, prison and stocks in the said County; and also for dividing Bladen County, and erecting the Western part thereof into a separate County and Parish, by the name of Anson County, and S^{t} Georges Parish.

Ordered, that he have leave, and that he prepare and bring in the same.

Mr. Starkey moved for leave to bring in a Bill, to enable the Justices of the several Counties to provide certain Law Books for the use of their County Courts; and also a Bill, for the relief of the poor, and to restrain vagrants.

Ordered, that he have leave and that he prepare and bring in the same.

The House adjourned till two o'clock in the afternoon.

P. M. The House met according to adjournment.

Mr. Swann brought in a Bill to put in force in this Province the several statutes of the Kingdom of England, or South Britain, therein particularly mentioned: which he read in his place.

Ordered that the same do pass, and be sent to the Council.

Mr. Sampson brought in a bill to divide the Upper part of New Hanover County &c: which he read in his place.

Ordered that the same do pass, and be sent to the Council

Mr. Starkey brought in the following Bills viz: A Bill to enable Justices to provide certain Law Books &c: and the Bill for the relief of the poor &c: which he read in his place.

Ordered, that the same do pass and be sent to the Council.

Sent the above four Bills to the Council by Mr. Swann and Mr. Sampson.

And then the House Adjourned till Tomorrow morning Nine o'clock.

Tuesday. October 10. 1749. The House met according to adjournment.

Received from the Council the following message. viz:

Mr. Speaker and Gentlemen,

In answer to your message, relating to a Committee of Claims, this House have appointed Mathew Rowan and James Hazell Esq^{rs} a Committee to join yours on that service.

By order of the Upper House. R. LOVETT. Clerk.

And also the following Bills viz:

A Bill to put in force in this Province the several Statutes of the Kingdom of England or South Britain &c:

A Bill to divide the Upper part of New Hanover County &c:

A Bill to enable the Justices of the several Counties to provide certain Law Books &c:

And the Bill for the relief of the Poor &c:

Endorsed October 10. 1749. in the Upper House, read the first time and passed. By order. R. LOVET. Clerk.

And then the House adjourned till To-morrow morning Nine o'clock.

Wednesday. October 11. 1749. The House met according to adjournment; and then adjourned till four o'clock in the afternoon.

P. M. The House met according to adjournment.

Mr. Swann moved for leave to bring in a Bill to confirm the several Acts of Assembly of this Province therein mentioned as revised by the Commissioners appointed by an Act of the General Assembly of this Province intituled an Act for appointing Commissioners to revise and print the Laws of this Province and for granting to his Majesty, for defraying the Expence thereof, a duty on Wine, Rum and distilled Liquors and Rice imported into this Province.

Ordered, that he have leave, and that he prepare and bring in the same.

Mr. Swann brought in the said Bill which he read in his place.

Ordered, that the same do pass and be sent to the Council.

Sent the above Bill to the Council by Mr. Swann and Mr. Starkey.

Mr. Starkey moved for leave to bring in the following Bills, to wit

A Bill to revise a clause in an Act of the General Assembly of this Province, intituled, an Act to fix a place for the seat of Government, and for keeping public Offices; for appointing Circuit Courts, and defraying the expence thereof, and also for establishing the Courts of Justice, and regulating the proceedings therein.

A Bill, for altering, explaining and continuing an act, entituled an act, for the better regulating the Militia of this Government.

And the Bill for an additional act to an act intituled an act to provide indifferent Jurymen, in all causes, both Civil and Criminal, and for an Allowance for their attendance.

Ordered, that he have leave, and that he prepare and bring in the same.

Mr. Starkey brought in the above Bills which he read in his place.

Ordered, that the same do pass and be sent to the Council.

Sent the same to the Council by Mr. Swann and Mr. Starkey.

Mr. Swann moved for leave to bring in a Bill, to appoint a Public Treasurer in the room of the Honourable Edward Moseley Esq^{r} deceased.

Ordered, that he have leave, and that he prepare and bring in the same.

Mr. Swann brought in the above Bill which he read in his place.

Ordered, that the same do pass, and be sent to the Council.

Sent the above Bill to the Council, by Mr. Swann and Mr. Starkey.

And then the House adjourned till To-morrow morning Nine o'clock.

Thursday. October 12. 1749. The House met according to adjournment.

Received the following message from his Excellency the Governor

MR. SPEAKER AND GENTLEMEN

I herewith send you an Instruction I have lately received from his Majesty wherein you will see I am ordered to recommend to the Assembly, to make speedy Provision in such manner as you shall think fit for the defraying the charge of surveying certain Lands, granted by his Majesty to the Palatines of this part of the Province: I hope Gentlemen you will consider of this affair and make such provision as will be agreeable to his Majesty's gracious Intention signified therein.

GABRIEL JOHNSTON.

Council Chamber. October 11. 1749.

Read the Bill, to put in force, in this Province, the several statutes of the Kingdom of England or South-Britain &c: the second time, and passed with Amendments.

Ordered that the same do pass and be sent to the Council.

Sent the above Bills to the Council, by Mr. Marsden and Mr. Clark.

Read the Bill for erecting the Upper part of New-Hanover County into a County and Parish &c: the second time and passed with Amendments.

Ordered, that the same be sent to the Council.

Sent the above Bill to the Council by Mr. Sampson and Mr. M°Lewean.

Read the Bill, for the relief of the Poor &c: the second time, with amendments.

And the Bill to enable the Justices of the several Counties to provide certain Law Books, for the use of their Counties, the second time.

Ordered, that the said Bills do pass, and be sent to the Council.

Sent the said Bills to the Council, by Mr. Starkey and Mr. Haywood.

Received the following Bills from the Council viz: The Bill, to confirm the several acts of Assembly of this Province therein mentioned as revised by the Commissioners appointed to revise the same: And the Bill, for an additional act to an act, intituled an act, to provide indifferent Jurymen in all causes, both civil and criminal, and for an allowance for their attendance: And the Bill for altering, explaining and continuing the act, for the better regulating the Militia of this Government, and the Bill to revise a clause in an act of the General Assembly, intituled, an act to fix a place for the seat of Government &c: And the Bill to appoint a Public Treasurer &c: Endorsed Oct: 12, 1749. In the Upper House read the first time and passed.

By order. R. LOVET Clerk.

Sent the following message to his Excellency the Governor:

MAY IT PLEASE YOUR EXCELLENCY

We received your Excellency's message this day, wherein you recommend to us to make speedy provision for defraying the expence of laying out the Lands for the Palatines in his Majesty's Royal Instruction to your Excellency mentioned, the which you were pleased, at the same time to lay before us: As it is an affair that will require some time for consideration and we having been a long time already from our homes, we therefore hope your Excellency will keep us no longer than while we can go through with the Laws, now under our consideration, for the expediting the printing the Body of the Laws of this Province a work of great consequence to the Public; we must therefore beg leave to postpone the consideration of the said Instruction, and your Excellency's message thereto till the next Session of Assembly.

By order. S. SWANN. Speaker.

Received from the Council the Bill, to put in force in this Province the several Statutes of the Kingdom of England or South-Britain &c: Endorsed. Oct: 12. 1749. In the Upper House read the second time and passed with Amendments. By order. R. LOVET. Clerk.

The House adjourned till Three o'clock in the afternoon.

P. M. The House according to adjournment.

Read the second time, the Bill to confirm the several acts of Assembly of this Province therein mentioned, and passed with Amendments.

Ordered, that the same be sent to the Council

Sent the said Bill to the Council.

Received from the Council the following Bills viz: The Bill to divide the Upper part of New-Hanover County into a County and Parish &c: And the Bill to enable the Justices of the several Counties to provide certain Law Books &c: Endorsed Oct: 12. 1749. In the Upper House, read the second time and rejected By order.

R. LOVETT. Clerk.

And the Bill for the releif of the Poor, and to restrain Vagrants. Endorsed. Oct: 12. 1749. In the Upper House read the second time and rejected. Nem: Con: By order.

R. LOVETT. Clerk.

Read the second time the Bill, to confirm the several acts of Assembly of this Province therein particularly mentioned, which passed with Amendments.

Ordered, that the same be sent to the Council.

Read the second time the Bill for an additional act, to an act, entituled An Act to provide indifferent Jurymen in all causes both civil and criminal, &c: which passed.

Ordered that the same be sent to the Council.

Read the second time the Bill to revise a clause in an act, intituled an act to fix a place for the seat of Government &c: which passed.

Ordered that the same be sent to the Council.

Read the second time the Bill, for altering, explaining, and continuing an act intituled an act for the better regulating the Militia of this Government; which passed.

Ordered that the same be sent to the Council.

Read the second time the Bill, to appoint a public Treasurer, in the room of the Honourable Edward Moseley, deceased, which passed.

Ordered, that the same be sent to the Council.

Sent the above said five Bills to the Council by Mr. Starkey and Mr. Swann.

And then the House adjourned till Tomorrow morning 9 o'clock.

Friday. October 13. 1749. The House met according to adjournment. Read the third time the Bill to put in force in this Province the several statutes of the Kingdom of England or South-Britain &c: which passed.

Ordered that the same be sent to the Council.

Sent the said Bill to the Council, by Mr. Swann and Mr. Starkey.

Received the following Bills from the Council viz: the Bill to confirm the several acts of Assembly of this Province therein mentioned: the Bill to revive a clause in an act of the General Assembly intituled; an act to fix a place for the seat of Government &c: The Bill to appoint a public Treasurer, in the room of the Honourable Edward Moseley Esq^{re} deceased: The Bill for altering, explaining and continuing an act intituled an act for the better regulating the Militia of this Government. Endorsed Oct. 13. 1749. In the Upper House read the second time and passed. By order. R. LOVETT. Clerk.

And the Bill, for an additional act to an act, intituled, an act to provide indifferent Jurymen in all causes both Civil & Criminal &c: Endorsed Oct: 13. 1749. In the Upper House read the second time and passed with amendments. By order. R. LOVETT, Clk.

The House adjourned till Three o'clock in the afternoon.

P. M. The House met according to adjournment.

Read the third time, the Bill, for altering, explaining and continuing an act, intituled an act, for the better regulating the Militia of this Government, which passed.

Ordered that the same be sent to the Council.

Read the third time the Bill, to revive a clause in an act, intituled an act to fix a place for the seat of Government &c: which passed.

Ordered that the same be sent to the Council.

Read the third time, the Bill, to appoint a Public Treasurer in the room of the Honourable Edward Moseley Esq^{re} deceased, which passed.

Ordered, that the same be sent to the Council.

Read the third time, the Bill, for an additional act to an act, intituled an act to provide indifferent Jurymen in all causes both civil and criminal &c: which passed.

Ordered, that the same be sent to the Council.

Sent the above said four Bills to the Council, by Mr. Sampson and Mr. Haywood.

Mr. John Swann informed the House that there was a mistake in the sum given him out of the Public Chest, by this Assembly last session, to pay the expence of the Expedition of the Invasion of the Spaniards at Cape Fear, of Ninety Pounds Proclamation Money, over and above the sum ordered to be paid to the several persons on the said Expedition: which said sum is now paid by the said John Swann into this House, and lodged in the hands of the Commissioners for Stamping and Emit-

ting the sum of Twenty one Thousand Three Hundred and Fifty Pounds Proclamation money and by them ordered to be deposited in the Chest with other Public Monies.

And then the House adjourned till To-morrow morning Nine o'clock.

Saturday, October 14. 1749. The House met according to adjournment.

Read the third time the Bill, to confirm the several acts of Assembly of this Province therein mentioned, and passed with amendments.

Ordered, that the same be sent to the Council.

Sent the said Bill to the Council.

Received the following Bills from the Council viz: The Bill to revive a Clause in an act of the General Assembly, intituled, an act to fix a place for the seat of Government &c: The Bill, for an additional act to an act, intituled an act to provide indifferent Jurymen in all causes, both civil and criminal, and for an allowance for their attendance: the Bill for altering, explaining, and continuing an act; intituled, an act, for the better regulating the Militia of this Government: the Bill to appoint a Public Treasurer, in the room of the Honourable Edward Moseley Esq^{re} deceased. Endorsed Oct: 14th 1749. In the Upper House, read the third time, and passed.

Ordered, that the same be sent down and engrossed.

By order R. LOVETT, Clerk.

And then the House adjourned till Tomorrow morning Nine o'clock.

Monday October 16th 1749. The House met according to adjournment.

Sent the following message to the Council viz.

GENTLEMEN OF HIS MAJESTIES HONOURABLE COUNCIL,

We have appointed Mr. Starkey and Mr. Dawson a Committee of this House to examine and compare the Laws passed your Board and the General Assembly this Session, which are engrossed, in conjunction with such of your Board as your Honours shall think fit.

By order. S. SWANN, Speaker.

The House adjourned 'till Two o'clock in the afternoon.

P. M. The House met according to adjournment.

His Excellency the Governor sent a message to this House commanding their immediate attendance with what Bills were ingrossed.

The House in a full Body waited on his Excellency the Governor in the Council Chamber, and presented him the following Bills, for his assent viz:

The Bill to put in force in this Province, the several statutes of the Kingdom of England or South-Britain, therein particularly mentioned.

The Bill, to appoint a Public Treasurer, in the room of the Honourable Edward Moseley Esq[re] deceased.

The Bill, for altering, explaining and continuing an act, intituled an act, for the better regulating the Militia of this Government. The Bill for an additional act to an act, intituled an act, to provide indifferent Jurymen in all causes, both civil and criminal, and for an allowance for their attendance.

The Bill, to revive a clause in an act of the General Assembly of this Province, intituled an act to fix a place for the seat of Government, and for keeping public offices; for appointing Circuit Courts, and defraying the expence thereof, and also for establishing the Courts of Justice, and regulating the proceedings therein. To all which his Excellency was pleased to assent.

The House returned.

And then the House adjourned till To-morrow morning Nine o'clock.

Tuesday October 17[th] 1749. The House met according to adjournment.

The Committee of correspondence having laid before this House the several Letters and other papers received by them from James Abercombie Esq[re] the Agent for this Province in London, for the consideration of the House, and their further direction; whereupon after the said letters and papers were maturely considered by the House they came to the following resolutions viz:

Resolved, that the said James Abercombie Esq[re] have the thanks of this House for his services at the several Boards in England and his frequent advices concerning the affairs of this Province.

Resolved, that the said Committee of Correspondence, or the Majority of them, instruct the said Agent diligently to watch all attempts made for the repeal of any of the Laws of this Province and that he use his utmost endeavours, to prevent the same, and get a confirmation, by his Royal Majesty, of the act, intituled an act for the better ascertaining the number of members to be chosen for the several Counties within this Province to sit in General Assembly, and for establishing a more equal Representative of all his Majesties subjects in the House of Burgesses: and the act, intituled an act, to fix a place for the seat of Government

and for keeping Public Offices; for appointing Circuit Courts and defraying the Expence thereof, and also for establishing the Courts of Justice, and regulating the proceedings therein: and the act intituled an act, for forming a Rent-Roll of all the Lands holden in this Province for quieting the Inhabitants in their possessions and for directing the payment of Quit Rents: and also, an act for an additional act, intituled an act for forming a Rent-Roll to his Majesty of all the Lands holden in this Province for quieting the Inhabitants in their possessions, and for directing the payment of Quit-Rents: and that if in getting the said Laws confirmed, the said Agent shall be at any extraordinary Pains in his application for that purpose, this House, on notice thereof, will augment his Salary from this Province proportionably to such service.

Resolved, that the said Committee, or a majority of them, instruct the said Agent to appear, in behalf of this Province, and join his Endeavours with the Agents of other Provinces under his Majesties immediate Government, in respect of the paper Currency in case the Bill concerning the paper currency in America should be revived in Parliament.

Resolved, that this House will re-imburse the said Agent all the necessary charges and disbursements he shall or may be at, in negociating the affairs of this Province at the several Boards in England, exclusive of his salary.

Resolved, that the sum of Eighteen Pounds, Eighteen Shillings Sterling Money be paid to the said Agent, or his order, for his Disbursements from the first day of November 1747, to the first day of March 1748–9. at the several Boards in England, as appears, by his account transmitted here, to be due to him.

Resolved. That a sufficient sum be paid to the Committee of Correspondence, out of the Public Treasury, and shall be by them remitted to the said Agent by such ways and means as they shall judge most for the Public Interest, and may best enable them to answer to the said Agent his Disbursments due as aforesaid; And also the Remainder of his whole Salary now due, or becoming due, by the act, intituled an act to appoint an Agent to sollicit the affairs of this Province at the several Boards in England; and that this House will, at the next Session take under consideration the augmenting the salary of the said Agent.

Resolved, that the Committee, or the Majority of them, lay before this House, at their next Session, all such letters and other Papers as they shall then have received from the said Agent; and also Copies of all such Letters or other Papers as they shall have transmitted to them; and also accounts of the Money by them remitted to the said Agent.

By order. S. SWANN. Speaker.

Ordered, that the said Resolves be sent to the Council.

Sent the same to the Council, by Mr. Lovick and Mr. Bell.

Received the said Resolves from the Council. Endorsed. Concurred with. E. ALLEN. Chairman.

Mr. Starkey one of the Commissioners appointed by the Act for stamping and emitting the sum of Twenty one Thousand Three Hundred, and Fifty Pounds Public Bills of Credit of this Province at the rate of Proclamation Money &c: acquainted this House that the said Commissioners had exchanged the sum of seven Thousand Five Hundred and Ninety Eight Pounds Six Shillings of the old Money, which he produced to the House, and moved, that the said old Money might be burnt, at four o'clock this Evening, in presence of the Members of the Council and General Assembly.

Resolved, that the said sum of Seven Thousand Five Hundred and Ninety Eight Pounds Six Shillings, old money, be burnt, in presence of the Members of the Council and General Assembly; and that a Message be sent to the Council to be present at the burning the same.

Sent the following message to the Council, by Mr. Sampson and Mr. Clark. viz:

GENTLEMEN OF HIS MAJESTY'S HONOURABLE COUNCIL

The Commissioners for exchanging the Old Bills of Credit for those of the New Emission, having produced to this House the sum of Seven Thousand Five Hundred and Ninety Eight Pounds Six Shillings of the Old Currency, by them exchanged, this House have resolved, that the same be burnt, at four o'clock this evening in the Public Street, in the presence of the Members of his Majesty's Honourable Council and General Assembly, and desire your Honours will be present at the same.

By order. S. SWANN. Speaker.

Received the following message from the Council. viz:

MR SPEAKER AND GENTLEMEN

This House concur with your Message just now by Mr. Sampson and Mr. Clark relating to the burning the Bills, and will attend at the time accordingly. By order of the Upper House.

R. LOVETT. Clerk.

Read the third time, the Bill, to confirm the several acts of Assembly of this Province therein particularly mentioned; which passed.

Ordered, that the same be sent to the Council.

Sent the above Bill to the Council, by Mr. Sampson and Mr. Haywood.

On Motion of Mr. Marsden, one of the Commissioners for the public Buildings at Wilmington

Resolved that the sum of Nine Pounds Ten Shillings be taken out of the sum of Two Hundred and Three Pounds Eleven Shillings and Eleven Pence lodged in the Public Chest last Session by Coll: Moseley, late Treasurer as part of the Tax for the Public Buildings, and paid to the said Marsden to be by him applied to the payment of the Workmen that have finished the Goal at Wilmington, it being the amount of the last year's Tax for Public Buildings, collected from the County of Onslow.

Read the Petition of James Davis, Printer, praying that half a years Salary may be advanced him at the end of this Session of Assembly, and that for the future he may receive his Salary by half yearly payments &c: which being maturely considered, the House came to the following resolution, viz:

Resolved, that the said James Davis be paid, by the Commissioners for stamping and emitting the sum of Twenty one Thousand Three Hundred and Fifty pounds public Bills of Credit, at the rate of Proclamation Money &c: out of the Public Treasury by a Warrant from his Excellency the Governor to be directed to the said Commissioners, the sum of Eighty Pounds, Proclamation Money being half a years Salary that will be due to the said James Davis the Twenty fifth day of December next: that the said sum be re-placed in the said Treasury out of the Tax arising by virtue of the act intituled, an act, for appointing Commissioners to revive and print the Laws of this Province, and for granting to his Majesty, for defraying the charge thereof, a Duty on Wine, Rum and Distilled Liquors, and Rice imported into this Province; and the Act, to alter and amend an act intituled, an act, for appointing Commissioners to revise and print the laws of this Province, and for granting to his Majesty for defraying the charge thereof a Duty on Wine, Rum, and distilled Liquors and Rice imported into this Province.

Mr. Starkey moved, that Mr. Samuel Swann should be paid the sum of One Hundred Pounds, Proclamation Money, out of the Money arising by the Act, intituled, an act for appointing Commissioners to revise and print the Laws of this Province &c: for revising the said Laws; and that he be also paid the further sum of one Hundred and Thirty Pounds, Proclamation Money, out of the Public Treasury, to enable him to print the said Laws, and such others as have passed since the said Revisal.

Resolved that the sum of one Hundred Pounds, Proclamation Money, be paid to the said Samuel Swann out of the Monies arising by virtue

of the said act, by a Warrant from his Excellency the Governor, for that purpose, for his revising the said Laws and that the further sum of One Hundred Pounds Proclamation Money, be paid to the said Samuel Swann, out of the Public Treasury, by a Warrant from his said Excellency the Governor, the better to enable the said Samuel to print the said Laws, and that the remaining or further sum of Thirty Pounds be paid to the said Samuel out of the Public Treasury, when he shall have printed the said Laws.

Resolved that the Rev: Mr. John Lappiere be paid, out of the Public Treasury, the sum of Four pounds Proclamation Money, for his several sermons preached Before the General Assembly this Session.

And then the House adjourned till To-morrow morning 9 o'clock.

Wednesday. October 18th 1749. The House met according to adjournment.

Received from the Council the Bill, to confirm the several Acts of Assembly of this Province therein mentioned &c:

Ordered, that the same be engrossed. R. LOVETT. Clerk.

Mr. Lovick, from the Committee of Claims, reported, that the Committee had examined and allowed several claims, and produced the same to the House.

Ordered that the same be read. Read the said report, and the House concurred therewith.

Sent the same to the Council for their concurrence.

Resolved, that this House address his Excellency the Governor, that he will be pleased to give orders to the several Officers, to have all the Records lodged in their respective Offices brought to Newbern agreeable to the Law of this Province, directing, that the several Offices shall be kept at Newbern, and further that he will be pleased to give possitive orders to his Majesty's Attorney General, to put in suit Sherifs Bonds and Bonds entered into by persons employed in the Receipt of the Public Monies of this Province and also to prosecute all persons concerned in the receipt of Money, on the Penalty for the Breach of the said Acts, or any of them.

Ordered. That the Resolves of yesterday be sent to the Council.

Sent the same by Mr. Lovick and Mr. Bell.

Received the said resolves from the Council. Endorsed, concurred with, E. ALLEN. Chairman.

Sent the following message to his Excellency the Governor. viz.

MAY IT PLEASE YOUR EXCELLENCY,

This House desires you would be pleased to give strict Orders to the several Officers of this Province, that they have all the Records, lodged in and belonging to their several Offices, brought to Newbern, and there deposited agreeable to Law; and further that you would be pleased to give strict orders to his Majesty's Attorney General to put in suit all Bonds entered into by Persons employed in the Receipt of the Public Monies of this Province, who have not accounted for and paid the several sums by them received for the use of the Public; and also to prosecute all Persons concerned in the Receipt of the said Money on the Penalties for the Breach of any the several Acts of Assembly of this Province, directing the collecting receiving, and paying the said Money.

By order. S. SWANN. Speaker.

Received from the Council the Reports of the Committee of Claims: Endorsed, concurred with. E. ALLEN. Chairman.

Resolved. That the several Claims allowed this Session of Assembly agreeable to the Report thereof concurred with by his Majesty's Honourable Council of this House; and also the Allowances due to his Majesty's Honourable Council, the Members of this House and the Clerks, and all other Officers of the said Assembly, be paid out of the Public Treasury.

By order. S. SWANN. Speaker.

Sent the above resolve to the Council, for their Concurrence.

Received the above resolve from the Council; Endorsed. Concurred with. E. ALLEN. Chairman.

The House adjourned till Two o'clock in the afternoon.

P. M. The House met according to Adjournment.

John Ives of Craven County, produced a Certificate from Craven Court, thereby certifying, that that the said John Ives is incapable of mustering, working on the public roads, and paying Taxes.

Ordered. That he be exempt from mustering, working on the Roads, and paying Taxes.

William War, of Northampton County, produced a certificate from Northampton County Court, thereby certifying that he is incapable of doing public Duties and paying Public Taxes.

Ordered That he be exempt from mustering, working on the roads and paying Taxes.

Ezekiel Fuller, of Northampton County produced a certificate from Northampton County Court, thereby certifying, that he is incapable of doing Public Duties, and paying public Taxes.

Ordered. That he be exempt from doing public Duties, and paying public Taxes.

William Hines, of Northampton County, produced a certificate from Northampton County Court, thereby certifying, that Joseph Kelly is incapable of doing Public Duties, and paying public Taxes.

Ordered. That he be exempt from doing Public Duties, and paying Public Taxes.

George Stringer, of Craven County, produced a certificate from Craven County Court, thereby certifying, that he is incapable of working on the Roads, and doing public Duties; and that John Stringer, his son, is also incapable of doing Public Duties and paying public Taxes.

Ordered. That they be exempt accordingly.

His Excellency the Governor sent a Message to the House commanding their immediate Attendance in the Council Chamber with what Bills were engrossed.

The House, in a full Body, waited on his Excellency the Governor in the Council Chamber, when Mr. Speaker presented, for his assent, the following Bill. viz:

The Bill to confirm the several acts of Assembly of this Province therein mentioned, as revised by the Commissioners appointed by an Act of the General Assembly of this Province, intituled an act for appointing Commissioners to revise and print the Laws of this Province, and for granting to his Majesty for defraying the Expence thereof a duty on Wine, rum and distilled Liquors, and Rice imported.

To which his Excellency was pleased to assent: and then made the following speech.

Gentlemen of His Majesty's Council, Mr. Speaker and Gentlemen of the House of Burgesses.

It is with great satisfaction that I now congratulate you on finding the revisal of your Laws in order to their being printed; A Work earnestly desired by, and zealously struggled for, by every honest man, for these fifteen by past; but never could be got accomplished till now by reason of the violent opposition and low Intrigues of a restless sett of Men, in will always find their account in keeping the Country in ignorance and confusion.

It is from this happy period you may date your having any Laws at all, for when Laws are not duly promulgated when the Copies of them are hard to come at and abound with errors and mistakes of different Transcribers; such a situation is really, and in effect very little different from being intirely without Laws.

It must be a vast pleasure to you Gentlemen, when you reflect that Providence has made you instruments of doing so much good to your fellow subjects, your Country and Posterity, and I hope that what you have done (thō it is a great deal more than could have reasonably been expected in so short a time) is only an earnest, and small beginning of what the Publick may expect from your future endeavours.

There are many things essential to the happiness and prosperity of Society still wanting among us; I shall only point out of them two at present: The first is the want of a sufficient Provision for maintaining the public service and worship of Almighty God, in which we are most shamefully and beyond all other Provinces in his Majestie's Dominions deficient. And next to that a provision for the farther security of the Estates and Properties of Widows and Orphans. By the first of these you give a proof of that reverence and regard to the Supreme Governor of the Universe so justly due to him from all his rational Creatures, and without whose aid and blessing, all your other endeavours will prove to little purpose, by the second, you will have an opportunity of shewing a becoming Pity and compassion on the most feeble and helpless, and upon that account, I am afraid frequently the most injured and oppressed part of the human Species.

After so hard and laborious a Session I do not propose these matters to your immediate consideration, but I heartily wish you would consult your Constituents on these Points and come prepared to enter upon them at your next meeting. I shall detain you no longer Gentlemen, only wish you a happy return to your Families and Plantations.

GABRIEL JOHNSTON.

And then his Excellency was pleased to prorouge this Assembly to the fourth Tuesday in March next, to be then held at Newbern.

Mr. Speaker with the House returned, and pronounced the Prorogation accordingly.

1750.

[B. P. R. O. Am: & W. Ind: Vol. 66.]

My Lord [Duke of Bedford]

I had the Honour of your Graces of the 20th of April Last together with a Copy of an act of parliament lately past, Relating to the Iron Manufactures In America, In Consequence of which I now Inform

Your Grace, That there are no slitting mills, nor such Forges as are Described in the Act in this province.

Your Graces most, &c., GAB JOHNSTON

Edenton Sept^{r} 20 1750.

[B. P. R. O. B. T. JOURNALS. VOL. 58.]

BOARD OF TRADE JOURNALS.

Wednesday March 21st $174\frac{9}{50}$.

Present

Mr. Pitt. Lord Dupplin.
Mr. Fane. Mr. Townshend.

Read an Order of the Lords of the Committee of Council dated 21st Nov. 1749 referring to this Board two packets of papers relating to a complaint concerning an Act passed in North Carolina in 1746 for the better ascertaining the number of Members to be chosen for the several counties within that Province to sit in General Assembly and directing this Board to proceed in the examination of this affair and make their further report thereupon to the Lords of the Committee.

Mr. Abercromby attending moved their Lordships to appoint a day for taking the above mentioned Order and Papers into consideration thereupon Mr. Abercromby was acquainted that their Lordships should take this affair into consideration on Thursday next the 29th inst. when he was desired to attend and the Secretary was order^{d} to give notice to Mr. M^{c}Culloh Agent for the Petitioners against the Act to attend at the same time.

Friday March 23rd $174\frac{9}{50}$

The Secretary having informed their Lordships that Mr. M^{c}Culloh Agent for the petitioners against the Act passed in North Carolina for regulating the Assembly had signified to him that he could not be prepared to be heard by Council on the day appointed by their Lordships for taking this affair into consideration the Secretary was directed to write to Mr. M^{c}Culloh and also to Mr. Abercromby Agent for the Province to attend on Monday next the 26th at eleven o'clock.

Monday March 26th 1750.

Mr. Abercromby Agent for the Province of North Carolina and Mr. M^{c}Culloh Agent for the petitioners against an Act passed there for regulating the Assembly attending as desired by the preceding Minutes Mr.

M^{c}Culloh acquainted their Lordships that he was ready to be heard thereupon whenever their Lordships should appoint thereupon Tuesday 24th of April was agreed upon when both parties were ordered to attend.

Tuesday April 3rd 1750.

Read Mr. Lamb's report upon 21 Acts passed in the Province of North Carolina between Nov^{r} 1746 and Oct^{r} 1748.

Their Lordships taking into consideration the above mentioned Acts reported upon by Mr. Lamb ordered the two following Acts Viz:

An Act for the better ascertaining the number of Members to be chosen for the several Counties within this Province to sit in General Assembly and for establishing a more equal Representative of all His Majesty's Subjects in the House of Burgesses.

An Act to fix a place for the seat of Government and for keeping public offices for appointing Circuit Courts and defraying the expense thereof and also for establishing the Courts of Justice and regulating the proceedings therein.

to be sent to the Attorney and Solicitor General for their opinion thereupon and that the petition of the inhabitants of the Northern Counties against the first mentioned Act should likewise be sent to them together with all such evidence and papers as have been transmitted in support of the said petition as well as in support of the Governor Council and Assembly for passing the said Act and likewise all such papers that have been laid before the Board which any way relate to that matter.

Resolved that the Order for hearing the several parties concerned in this affair on the 24th inst. be discharged and that the Secretary do write to Mr. Abercromby Agent for the Province and to Mr. M^{c}Culloh Agent for the Petitioners against the Act to desire their attendance at the Board tomorrow morning.

Wednesday April 4th 1750.

Mr. Abercromby Agent for North Carolina and Mr. M^{c}Culloh Agent for the Petitioners against the Act for ascertaining the number of the Members of the Assembly attending as desired, they were acquainted that their Lordships had referred this matter to his Maj. Attorney and Solicitor General for their opinion as to the legality of the Act and had ordered all such papers in their Office as relate in any way to this affair to be laid before them and that the order for hearing the partys on the 24th inst. was discharged.

Thursday May 10th 1750

Read a Memorial of the Agent for North Carolina with two affidavits taken before a Master in Chancery dated the 8th inst. relating to the present situation of affairs in that Province and praying a speedy hearing on the petition of the Northern Counties

Read the reply of the Northern Counties to Gov. Johnston's Answer to their petition of complaint.

Ordered that the Secretary do transmit the afore-mentioned two papers to His Maj. Attorney and Solicitor General and desire their opinion upon the two Acts lately referred to them.

Friday May 11th 1750.

Mr. Abercromby Agent for the Province of North Carolina attending moved their Lordships to grant him a copy of a Law lately passed in that Province for the better regulating the payment of his Maj. Quit Rents which was accordingly granted and a copy thereof ordered to be made and delivered to him.

Friday August 31st 1750

Present

Earl of Halifax

Mr. Pitt. Mr. Grenville

Lord Dupplin

Read the following letter & papers from Gabriel Johnston Esq. Govr of North Carolina, Viz:

Letter from Mr. Johnston Govr of North Carolina to the Board dated at Edenton 22d May 1749 acquainting the Board that he shall put his Maj. Orders relative to the poor Palatines into immediate execution and referring to a large quotation of the method of levying taxes in that Colony transmitted by him to the Board.

Letter from Mr. Johnston Govr of North Carolina to the Board dated at Edenton 21st Dec. 1749 relating to the state of his Maj. Council in that Province & transmitting Minutes of Council from the 3rd to the 4th April 1749.

Letter from Mr. Johnston Govr of North Carolina to Mr. Hill dated at Edenton the 16th of April 1750 inclosing an account of indigo made in that Province in the year 1749 and acknowledging his having received the Board's orders to make answer to Mr. M°Culloh's Memorial

Minutes of Council of North Carolina in Sept. & Oct. 1749.

DUNK HALIFAX.

Saturday September 1st 1750.

Ordered that the draught of a letter to Mr. Johnston Governor of North Carolina in answer to those received from him since the Board's last letter be prepared—which was agreed to, transcribed & signed.

Tuesday October 23rd 1750.

The Secretary laid before the Board the following papers received from Mr. Abercromby Agent for the Province of North Carolina, viz:

The Answer of Gabriel Johnston Esq. Governor of North Carolina to the Memorial of Henry M°Culloh. Depositions and other original papers in support of Governor Johnston's answer to Mr. M°Culloh's Complaint against him

Copy of Mr. Abercromby's letter to the Secretary of the Lords of the Treasury dated the 25th June 1750.

Ordered that the Secretary do write to Mr. M°Culloh to acquaint him that the Board have received Govr Johnston's Answer to his Complaint against him and to desire to know if he is prepared to be heard thereupon.

Wednesday October 31st 1750.

Read a letter from Mr. M°Culloh to the Secretary dated the 29th of Octr 1750 acquainting him that by his latest advices from his Agents in North Carolina Mr. Johnston had not served them with a copy of his Answer to his Memorial or the Evidences taken thereon and had also refused the seal being put to the Evidence taken in support of the charge but that he had directed the papers to be sent over by his Agents forthwith and as soon as he received them he should attend the Board therewith.

Wednesday December 5th 1750.

Read a letter from Gabriel Johnston Esq. Govr of North Carolina dated at Edenton 1750 inclosing an account of five ships of the Spanish Flota put on shore on the coast of that Province by the Great storm August 18th 1750.

N. B. A copy of the Account inclosed in the above letter was sent to the Duke of Bedford with a letter from the Board dated 29th Novr last.

Tuesday December 11th 1750.

Read Mr. Attorney and Solicitor General's Report dated the 1st inst. upon two acts passed in North Carolina in 1746 referred to them in April and May last.

[From the MSS. Records of North Carolina Council Journals.]

COUNCIL JOURNALS.

At a Council begun and held at the Council Chamber in New Bern the 28th day of March Anno Domini 1750.

Present His Excellency the Governour

The Hon^ble { Nath Rice, Math Rowan, James Murray, James Hasell } Esq^rs Members of his Majesty's Council

Read the Petition of John Freeman charging John Rieusett a justice in the Commission of the Peace for the County of Beaufort with divers abuses and Extra judicial proceedings in the said Office

Ordered that the said John Rieusett be served with a Copy of the said Petition and that he appear before this Board on Tuesday next being the 3d day of April, to answer to the said Complaint

Henry Snoad moved the Board for leave to prove his rights which was granted and he accordingly swore to 5 white and 16 Black Persons in Beaufort county

At a Council held at the Council Chamber in New Bern the 29th day of March 1750

Present His Excellency the Governour.

The Hon^ble { Nath Rice, Math Rowan, Roger Moore, James Murray and James Hasell } Esq^rs Members of Council

The following Persons moved for leave to prove their own and others Rights which was Granted.

	Whites.	Counties.
John Dunn	2	Craven
David Williams by John Edwards	2	New Hanvover
Job Merrix	5	Bladen
Lewis Powell by Math Whitfield	2	Onslow
William Stanley	6	Johnston

Read the following Petitions for Warrants for Land Viz^t

Samuel Huffhams 150 Bladen, John Dunn 150 Craven, Job Merrix 320 Bladen, David Smith 100 D°, James Calef 640 Beaufort, David Smith 200 Bladen, D° 150 D°, Alexander Clark 300 D°, Archibald Clark 100 D°, John Fry 100 Beaufort, Henry Snoad 640 D°, John Faw 150 Onslow, David Hicks 50 Carteret, Thomas Austin 400 D°, Thomas Bell 50 D°, John Edwards 500 Johnston, David Williams 150 New Hanover, John Norman 300 Onslow, James Crauford 200 D°, Nathaniel Everitt 100 D°. Granted.

At a Council held at the Council Chamber in New Bern the 31st day of March 1750.

Present His Excellency the Governour

The Hon^ble { Nath Rice, Math Rowan, Roger Moore, James Murray and James Hasell } Esq^rs Members of Council

Read Sundry Petitions for Warrants for Land as follows, Viz^t

Roger Mason 150 Craven, Lewis Powell 100 New Hanover, Samuel Uxford 100 Craven, Robert Courtney 320 Onslow, Edward Griffith 100 Craven Granted

The following Persons on Motion were Admitted to prove their Rights, Viz^t

	Whites.	Blacks.	County.
Jacob Paul	4		Anson
William Forbes		13	D^o

Read the following Petitions for Grants for Patents Viz^t

John Russ 200 Bladen, Jean Adams 300 Anson, William Bedingfield 130 D^o, Henry Bedingfield 200 D^o, Jurden Gibson 100 D^o, Peter Gustaves & Joseph Nobles 250 D^o, John Holly 300 New Hanover, Tyree Harris 450 Anson, Andrew Lambert 600 D^o, Robert Lepper 375 D^o, Joseph M^cDowall 375 D^o, Rachel Price 400 D^o, Abenton Shirrell 200 D^o, Joseph White Jun^r 250 D^o Granted

Read the Petition of William Shirrell for a Grant for six hundred Acres of Land in Anson County and Delayed.

At a Council held at the Council Chamber in New Bern the 3^d day of April 1750.

Present His Excellency the Governour

The Hon^ble { Nath Rice, Math Rowan, Roger Moore, James Murray and James Hasell } Esq^rs Members of Council

The following Persons were admitted to prove their own and others Rights Viz^t

	Whites.	Blacks.	County.
Michael Higgins	8	3	Craven
John Corlew by William Barker	7		Northampton
William Carruthers Sen^r	5	9	Beaufort
John Ratcliff by Richard Lovett	3		Johnston
Patrick Seward by Henry Skibbon	2		New Hanover
Charles Cook by Ditto	3	2	D^o
Charles Ryall by Ditto	5		Onslow
Joseph Brinkley & James M^cManus	3	4	Edgecombe

John Linkfield	2	6	Craven
John Francks	1	2	D°
John Hilliard	9	1	D°

At a Council held at the Council Chamber in New Bern the 4th day of April 1750

Present His Excellency the Governour.

The Hon^ble { Nath Rice, Math Rowan, Roger Moor } { James Murray and James Hasel } Esq^rs Members of Council

John Freeman appeared and informed the Council that upon the Complaint the 28th of March last against John Rieusset 'twas Ordered that he appear before this Board the 3^d instant and make Answer: Which Order the said Rieusset had been served with accordingly, but has nevertheless failed to appear.

Then the said Freeman produced several Evidences, who being sworn and examined upon the Subject of the said Complaint, his Excellency was pleased to ask the Opinion of the Council thereon; who having considered thereof, advised that a further time might be given the said Rieussett to make answer.

Ordered that the said John Rieussett have accordingly time till the next sitting of the Council to answer to the said Complaint and that Mr. Freeman have a Commission in the mean time to examine such further or other Evidences as he shall judge proper

Read the following Petitions for Warrants for Land Viz^t

Alexander Randolphs 200 Craven, John Corlew 640 Anson, Adam Branson 200 Onslow, Henry Skibbon, David Williams, Josiah Thomas & Edward Doty 100 New Hanover, William Carruthers 400 Craven, John Anderson Jun^r 120 Bladen, Michael Higgins and John Rice 100 Johnston, John Lovick 200 Craven, Western Williams 300 Carteret Granted

Mr. Starkey was admitted to prove Western Williams' Rights which are 6 white Persons in Carteret County

Read Sundry Petitions for Grants for Patents Viz^t

William Sherrel 600 Anson, John Bone 300 Anson, John Crawford 300 D°, Andrew M°Gee 375 D°, James M°Gee 250 D°, George Carthey 220 D°, Anthony Charlescraft 100 Onslow, Samuel Wilson 100 D°, Andrew M°Gee 500 Anson, Benjamin Jackson 400 D°, William Prescott 100 New Hanover, Richard Wiggins 100 Craven, Peter Ellet 300 Anson, Abraham Paul 200 D°, Brewer Sinexen 134 Bladen, John M°Gee 120 Anson, Thomas Robinson 160 D°, Samuel Hough 300 D°, Robert Kilcriss 200 D°, Andrew Moorman 300 D°, D° 587 D°, David Smith

200 Bladen, Thomas Cox 440 Anson, Gilbert Buie 100 Bladen, Duncan Buie 100 D°, George Clements 100 Anson, Samuel Goodman 640 Bladen, Mark Philips 640 New Hanover, Jno Edwards 200 Bladen, John Blackman 200 Johnston, Benjamin Blackman 196 D°, Isaac Overman 200 Bladen, John Fryar 200 New Hanover, Gershom Benbow 200 Bladen, Samuel Pike 350 D°, Robert Cook 300 New Hanover, William Dees 100 Johnston, Robert Fellows 250 D°, Thomas George 300 Bladen, Moses Tilman 107 Craven, James Green 100 New Hanover, George Lane 100 Craven Granted

Francis Mackilwean on Motion was admitted to prove the following persons Rights Viz^{t}

	Whites.	Blacks.	County.
Samuel Coburn	3	1	Anson.
George Rennick	3		D°
John Batley	6		D°
Thomas Potts & Samuel Beasam	4		D°
James Harmer	5		D°
William Cockran	5		Bladen
John Hamer	2		Anson.

Samuel Uxford was admitted to prove his Rights which are 4 white persons and one Black in Craven County.

Read the Petition of Henry Snoad setting forth that Joel Martin obtained a patent from the late Lords Proprietors for six hundred and forty Acres of Land situate in Onslow County on the West side of the Mouth of White Oak River and on Queens Creek bearing date the ninth day of November 1713. And the Petitioner conceiving there is more Land comprised within the Courses and Distances of the said patent than the same specifies humbly prays a Resurvey thereon which is Granted and Ordered that the Surveyor General do accordingly resurvey the same, and make report of his Doings to this Board at their next Meeting.

His Excellency was pleased by and with the advice and Assent of His Majesty's Council to Order that a Dedimus issue to Edgecombe County to Qualify Ambrose Joshua Smith a Justice of the Peace within the same.

At a Council held at the Council Chamber in New Bern the 6th day of April 1750

Present His Excellency the Governour

The Hon^{ble} { Nath Rice, Math Rowan, Roger Moore, James Murray and James Hasel } Esq^{rs} Members of Council

George Nicholas was admitted to prove his Rights, which are 5 white Persons in New Hanover County.

Read the Petition of Stephen Cade for a Grant for Two hundred Acres of Land in Johnston County in consequence of a Warrant duly surveyed and returned. Mr. Samuel Appeared in behalf of William Stanley and opposed the Granting of the said Petition setting forth that the said Stanley had a Warrant of a prior Date for the premises and then produced Richard Caswell as an Evidence, who being sworn and Examined in relation thereto, declared that Cade's Survey included a House and some Improvements of the said Stanleys. On a full hearing of the Arguments on both sides 'tis Ordered that a Grant pass to the Petitioner Cade for the said two hundred Acres of Land he leaving out the others improvements.

Read the Petition of Stephen Cade for a Grant for One hundred and fifty Acres of Land in Johnston County in consequence of a Warrant duly surveyed and returned. Mr. Swann appeared and opposed the same in behalf of Anthony Herring setting forth that the Land or great part thereof so petitioned for by Cade as aforesaid was within the Lines of the said Herrings Patent Land. The matter being heard and duly considered, it is Ordered that the Surveyor General cause a Resurvey to be made of the Lands in contest between the Parties at their mutual Costs and distinct plats of each Claimants part respectively to return to this Board at their next Meeting.

Read the Petition of Robert Peyton for a Grant for six hundred and forty Acres of Land in Beaufort County in consequence of a Warrant duly Executed and returned, To which Coleman Roe by his Counsel objected shewing that he had a prior Warrant for the Premises; which had been duly surveyed but by means of the death of John Forbes, Deputy Surveyor the same was not yet returned into the proper Office, praying therefore that the said Peytons petition might be delayed, till a return of the said Roe's Warrant and Survey be made. Mr. Swann in behalf of Robert Peyton appeared and informed the Board that the Land in Question was a Matter of Controversy at a former Council between the Petitioner and Elizabeth Peyton Ex^{x} of Benjamin Peyton Deceased, When on a full hearing 'twas Considered and adjudged in favour of the said Robert for whom he therefore prayed a Grant, which is Ordered accordingly

Read Sundry Petitions for Grants for Patents, Viz^{t}

William Raineys 300 Johnston, William M^{c}Kinney 200 D^{o}, Hugh Blaning 200 Bladen, Hugh Blaning Jun^{r} 200 D^{o}, Hugh Blaning 200 D^{o}, John Davis 640 D^{o}, Stephen Cade 133 Johnston, William Teague 175 D^{o}, D^{o} 200 D^{o}, James M^{c}Mamus 2681 Bladen, D^{o} 300 D^{o}. Granted

Read the Petition of Cornelius Lynch for a Resurvey of his own and Edmund Smithwick's Tract in Johnston County. Then was read the Petition of Edmund Smithwick for a Warrant for Two hundred and Forty five Acres being Surplus Land found upon a resurvey of his Tract aforesaid duly made and returned pursuant to an Order of this Board. Mr. Herritage appeared in behalf of Cornelius Lynch and opposed the granting of the said petition setting forth that the said Surplus Land was within the Lines of the said Lynche's Patent Praying the same might therefore be delayed which is accordingly, and Ordered that the Surveyor General cause a resurvey to be made of the said Lynch and Smithwick's Tracts as above prayed for at the former's loss and make report thereof to this Board at their next Sitting

Read the Petition of Thomas Norwood for a Grant for two hundred Acres of Land in Craven County On both sides of Lawsons Creek running up and across the Road Mr. Lovett appeared in behalf of the Heirs of William Lester Deceased and opposed the granting the said Petition in regard the same interferred with Land belonging to the said Heirs. Mr. Swann Council for the Petitioner Norwood observed to the Board that the affair had been delayed for many Councels past to the Prejudice of the said Norwood and moved the same might now come to a final hearing. His Excellency upon hearing the Arguments on both sides was pleased to refer the same to the Council, who having considered the thereof were of Opinion they could not properly proceed to a decision without a sketch or plan of the premises being first laid before the Board. Whereupon tis Ordered that the matter lye over till the next Council, and that in the mean time the Premises be Resurveyed by a Surveyor to be Chosen by the Parties, and distinct plats of each Claimants part respectively to return to this Board; and that they fail not then to come prepared for a final hearing therein.

Read the several Petitions of James Calef and John Fry for certain Land in contest between the Parties. Ordered that the matter lye over till the next Council and that the parties do then come prepared for a hearing therein.

Read the following Petitions for Warrants for Land Viz^{t}

Thomas Chadwick 40 Carteret, Michael Higgins 200 Craven, John Ratcliff 250 Johnston, Samuel Uxford 200 Craven, Robert Brinkley 500 Anson, Charles Robinson 100 D^{o}, Evan Jones Junior 100 New Hanover, Patrick Stewart 200 New Hanover, William Stewart 100 D^{o}, John Cook 400 D^{o}, John Battey 500 Anson, Samuel Coburn 300 D^{o}, Thomas Potts & Samuel Beasam 400 D^{o}, James Hamer 300 D^{o}, William Starkey 600 Johnston, William Coharan 300 Anson, John Hamer

200 D°, George Rennick 300 D°, William M°Henry 150 Craven, Charles Ryal 480 New Hanover, Thomas Rogers 300 Johnston Granted

Then the Council adjourned till 3 o'clock P. M.

The Council met pursuant to Adjournment Present as before

William Bartrim on motion was admitted to prove the following Persons Rights Viz^{t}

	Whites.	Blacks.	County.
John Looks	4	1	Bladen
Peter White	3		D°
Isaac Jones	5	1	D°
Evan Ellis	3		D°

Richard Caswell on Motion was admitted to prove the following Persons Rights Viz^{t}

John Mann	2 whites in Johnston
Richard Sarsnutt	2 D° in D°

Read Sundry Petitions for Warrants for Land Viz^{t}

William Forbes 640 Anson, Jacob Paul 200 D°, John Lock 50 Bladen, Peter White 300 D°, Isaac Jones 400 D°, Evan Ellis 100 D°, Richard Sarsnutt 150 Johnston, John Mann 200 New Hanover Granted

Read the following Petitions for Grants for Patents Viz^{t}

John Carrold 200 Craven, William M°Ilroy 100 D°, Henry Folkenburry 80 Bladen, James Davis 100 Johnston, John Fishpool 150 D°, John M°Ilroy 76 D°, John Atkinson 79 D°, Samuel Uxford 100 Craven Granted

His Excellency was pleased by and with the advice and consent of his Majestys Council to order that a Commission of the Peace and Dedimus issue constituting and appointing Thomas Lovick, Enoch Ward, David Shephard, Joseph Bell, Carry Godbee, John Clitherall, Thomas Dudley, Moses Houston, Richard Ward, William Gasketh, David Shepard Junior, George M°Keen, Dederick Gible and Volentine Wade Esq^{rs} Justices of the peace for and within the County of Carteret.

Ordered that a Commission of the Peace and Dedimus issue Constituting and appointing Francis Stringer, James Mackilwean, John Becton, Simon Bright, John Irons, Abraham Boyd, John Smith, Samuel Smith, John Herring Senior, Gilbert Kerr, John Monk, Robert Butler, John West, John Wade, Needham Bryan, Henry Garret, Isaac Williams and William Whitfield Esq^{rs} Justices of the Peace for and within the County of Johnston.

Ordered that a Dedimus issue to Northampton County to Qualify Nicholas Maggot a Justice in the Commission of the peace within the same.

At a Council held at the Council Chamber in New Bern the 7th day of April 1750

Present His Excellency the Governour

The Hon^ble { Nath Rice, Math Rowan, Roger Moor, James Murray and James Hasell } Esq^rs Members of Council

The following Persons were admitted to prove their Rights, Viz^t

	Whites.	Blacks.	County.
Elias Ligardere	4	9	Craven
Jeremiah Vail	7		D°
D°		14	New Hanover
John Williams	5	14	Craven

Read the following Petitions for Warrants for Land Viz^t

John Williams 640 Craven, Angus Shaw 200 Bladen, Henry Sims 200 D°, D° 150 D°, Robert Wakley 300 New Hanover Granted

Thomas Johnston 100 Bladen, David Morley 150 D°, William Johnston 100 D°, John Prothro 200 D°, John White & Dennis Collomb 640 D°, David David 100 New Hanover, Clifton Bowen 100 D°, John Hollaway 640 Craven Granted.

Read the following Petitions for Grants for patents Viz^t

Peter Starkey 218 Onslow, Samuel Negus & David Bailey 400 Carteret Granted

His Excellency was pleased by and with the Advice and assent of his Majesty's Council to Order that a Commission of the peace and Dedimus issue constituting and appointing John Sampson, William McKee Senior, George Mears, William Houston, Fredrick Grey, Andrew Thompson, Francis Brice, Joseph Williams, Roger Snell, John Herring, Nathaniel Hill and John Turner Esq^rs Justices of the Peace for and within the County of Duplin

Then the Council adjourned till 3 °Clock P. M.

The Council met according to Adjournment

Present His Excellency the Governour

The Hon^ble { Nath Rice, Math Rowan, Roger Moor, James Murray } Esq^rs Members of Council

Read Sundry Petitions for Warrants for Land as follows Viz^t

Timothy Allen 200 Hyde, James Wilson 240 Anson, Samuel Stickland 200 Johnston, William Smith 400 Anson, Wyriot Ormond 640 D°, Benjamin Williams 640 Beaufort, Benjamin Roads 130 New Hanover, George Cheynewolf 200 Beaufort, Bastuan Best 400 Anson, John M°Connell 300 D°, Henry Whitaker 500 D°, Reese Morgan 200 D°, John M°Gee 300 D°, Samuel Richardson 225 Bladen, Patrick M°Donald

200 Anson, John Leith 150 Anson, Henry Bedingfield 300 D°, James Pugh 100 Bladen, Francis Pugh 200 D°, William Pugh 200 Johnston, Isaac Odam 200 Bladen, John Jones 100 Craven, Seth Robens & Isaac Screwins 400 Carteret, Henry Whitner 1000 Anson, Edward Givins 400 D°, Charles Hart 600 D°, George Cowan 400 D°, Peter Arrent 300 D°, Robert M°Cappin 315 D°, Henry Whitner 600 D°, William Pote 400 D°, James Thompson 1,200 D°, James Alexander 640 D°, William Barnett 320 D°, James Crawford 640 D°, John Crawford 640 D°, Richard Hubbard 640 D°, John Crawford son of David Crawford 640 D°, Giles Clements 100 Bladen, David Lewis 640 Anson, Evan Lewis 640 D°, Alexander Lewis 640 D°, James Lewis 640 Anson, James Alexander 400 D°, Andrew Davis 400 D°, James Calef 640 Beaufort Granted

Read the following Petitions for Grants for Patents, Viz^{t}

Gilbert Clark 150 Bladen, Martin Bender 400 Carteret, D° 100 Craven, Roger Moor 200 D°, John Fredrick Margaret 300 D° Granted

His Excellency having commanded the attendance of the lower House of Assembly thought fit to prorogue the General Assembly 'till the fourth Tuesday in September next then to meet at New Bern, Ordered that a Proclamation issue accordingly.

Read the Petition of Nathan Smith setting forth that on the twenty sixth day of March 1748 he obtained the Kings Patent for four hundred Acres of Land situate in Carteret County on the west side of Newport river and on the East side of Glovers Creek, but it appearing upon a Resurvey thereof that the Deputy Surveyor thro' mistake in running out the Petitioners Warrant hath included in his Survey 266 Acres of Land belonging to Mr. Henry Chew; his true Complement is no more than 134 Acres; Praying therefore that the Patent may be altered as also the Rent Roll, from 400 Acres to 134 that so he may be liable only for the Quit Rents of the Land he really holds; which being considered by the Board, tis Ordered that a new patent issue to the said Nathan Smith, for the aforesaid One hundred and thirty four Acres, according to the Plat exhibited to the Board of equal date with the former Patent; and that the rent Roll be made agreeable thereto as prayed.

His Excellency was pleased by and with the Advice and Assent of His Majestys Council to Order that a Commission of the Peace and Dedimus issue constituting and appointing Edward Hyrne, John Swann, William Faris, John Sampson, George Moor, John Daniel, William Dry, William Ross, Joseph Blake, William Moor, William Matters and Cornelius Harnett Esq^{rs} Justices of the Peace for and within the County of New Hanover.

Read the Petition of Arthur Mabson setting forth that his Father in his life time obtained the Kings Patent for six hundred and thirty Acres of land situate in Carteret county at the Head of Harlows Creek dated the 16th day of December 1735 and the Quit rents thereof hath duly paid but there appearing since the death of the Petitioners Father a proprietors patent in the name of James Tooke for three hundred and forty Acres part of the Premises aforesaid; which the Petitioner hath purchased for a valuable Consideration. He humbly prays that the Auditor may be directed to alter the Rent Roll from 633 Acres to 293 which is all he holds by the Kings patent and to enter thereon the said 340 Acres which the Petitioner purchased as aforesaid, That so he may not for the future be liable for the Quit Rents of any Land but what he actually holds, which is Granted and Ordered that the Auditor do alter the Rent Roll and incert therein the aforesaid 340 Acres acordingly.

Ordered that a Commissioner of the Peace and Dedimus issue constituting and appointing Hugh Blaning Griffith Jones, Joseph Clark, James Lyon, William Bartram, Samuel Baker, Benjamin Fitzrandolph, Ralph Miller, John Brooks, Jno. Grange, Thomas White, Jno White, Timothy Terril, Henry Simmons, William Pugh, Jonathan Evans and John Lock Esqrs Justices of the Peace for and within the County of Bladen

Ordered that Writs of Election issue to the Counties of Edgecombe, New Hanover, Duplin and Anson returnable the fourth Tuesday of September next.

By order JNO RICE C. C.

At a Council begun and held at the Council Chamber in New Bern the 5th day of July Anno Dom. 1750.

The Honble { Roger Moor / James Hasell } Esqrs Members of Council

His Excellency the Governour was pleased to acquaint the Members of Council Present that his Majesty's Service and the good and welfare of the province require the calling of the Assembly together at this time, that the lower House was according met, but by reason of the Death of Eleazer Allen Esqr a late Member of his Majesty's Council and two others of the Council being out of the Province there was not a sufficient number of Councellors to act in a Legislative Capacity (five Members being held necessary to form an Upper House) and desired their Opinion whether it would not be highly Proper in the present conjuncture to appoint a Councellor in the room of the said Eleazer Allen Esqr deceased untill his Majestys pleasure shall be known thereon; which the Honourable the Council unanimously approved of. Whereupon his Excellency by and with the advice and Assent of Council, was

pleased to nominate Constitute and appoint James Innes Esq[r] a Member of his Majestys Council, for and within this Province. And the said James Innes Esq[r] being called to the Board and acquainted therewith took and subscribed the several Oaths by Law appointed for the Qualification of Publick Officers, as also the Oath of a Counsellor, and his Place at the Board accordingly.

Present—The Honourable James Innes Esq[r]

At a Council held at the Council Chamber in New Bern the 6[th] day of July 1750.

Present His Excellency the Governour

The Hon[ble] { Math Rowan, Roger Moor, William Forbes } { James Hasell and James Innes } Esq[rs] Members of Council

Mr. Samuel Swann exhibited in Council the Petition of Jennet Boyd praying the same might be read, which was accordingly, which is as follows, Viz[t]

The Petition of Jennet Boyd. Sheweth.

That your Petitioner being a Widdow and living in easy and comfortable circumstances intermarried about twelve years ago with one John Boyd with whom she dwelt during the said Twelve years, and behaved herself as a faithfull dutifull obedient and industrious wife and in the said Time the said John by the assistance and Industry of your Petitioner acquired a considerable Estate in Lands, Cattle, household goods and other valuable Effects. But now so it is, may it please your Excellency, that notwithstanding the Behaviour of your Petitioner as Wife to the said John during the time aforesaid hath been blameless, the said John without any manner of reason or provocation (but only as your Petitioner hath reason to believe by the instigation of lewd Women who your Petitioner hath too much reason to suspect have alienated the love and affections of the said John from your Petitioner his Wife) doth beat abuse, wound and evil intreat, Your Petitioner, so that she goes in perpetual peril and danger of her Life, Limbs and other bodily hurt. And the said John to add still further to his cruelty to and deprive your Petitioner of any subsistance either in his life time or after his decease if she should survive him hath made a voluntary conveyance of his whole Estate real and Personal with Intent to reduce your Petitioner to the utmost Misery in her old age.

May it therefore please Your Excellency to grant to your Petitioner his Majesty's most gracious Writ of Suplicavit to bring the said John before your Excellency in the most Honourable Court of Chancery there

to find surities and pledges for his peaceable Behaviour to your Petitioner And further that your Excellency as ordinary in this his Majestys Province will make such rule and Order to oblige the said John to provide a subsistance for your petitioner as shall be agreeable to her Estate and degree and to the wisdom and known Equity and Justice of your Excellency

And your Petitioner as in duty bound shall ever pray.

Which being considered tis Ordered that a Writ of Suplicavit do Accordingly issue against the said John Boyd agreeable to the prayer of the said Petition and also a Subpeana to the said John Boyd to appear before his Excellency the Governour as Ordinary to Answer the other part of the said Petition returnable to this Board at their next meeting

At a Council held at the Council Chamber in New Bern the 7th day of July 1750.

Present His Excellency the Governour

The Hon^ble { Math Rowan, Roger Moor, Will Forbes, James Hasell and James Innes } Esq^rs Members of Council

Read the following Petitions for Warrants for Land, Viz^t

Simon Herring 200 Johnston, John Francks 200 Craven, Mary Jones alias Saucer 100 Bladen, Thomas Waman 100 Bladen, John Russ Junior 600 D°, Henry Cannon 300 Craven, William Teague 400 Johnston, James Oates 300 D°, Richard Caswell Junior 200 D°, Benjamin Moor 400 Bladen, Andrew Bett 50 Carteret, William Bartram 100 Bladen, William Robards 400 D°, Church Bell 400 Carteret, Joseph Hauton & Wm Hill 150 D°, George Branch 300 Onslow, Samuel Swann 200 New Hanover, D° 300 D°, D° 200 D°, Seth Robens & Isaac Scrivens 400 Carteret, Edward Reaves 100 Bladen, John Howard 100 Onslow. Granted.

Read Sundry Petitions for Grants for Patents Viz^t

Habakkuk Russell 50 Carteret, Joseph Jackson 400 Craven, Benjamin Blount 300 Johnston, John Rows 200 New Hanover, Benjamin Clements 400 Johnston, Martin Fryar 100 New Hanover, Robert Fellows 200 Johnston Granted

Richard Caswell 600 Anson, John Fitzjarold 150 Johnston Granted

Read the Petition of John Rows for a resurvey of a Tract of Three hundred Acres in Johnston County. Ordered that the same lye over till the next Council; and that the petitioner do then lay his Patent before this Board.

At a Council held at the Council Chamber in New Bern the 9th day of July 1750

Present His Excellency the Governour

The Hon^ble { Math Rowan, Roger Moor, Will Forbes, James Hasell and James Innes } Esq^rs Members of Council

Read the petition of William Carruthers setting forth that in March last he entered a resurvey on a patent for Land held by Farnifold Green in order to inform himself of the true Bounds thereof and then to petition for the vacant Land adjoining the same, but not having the Courses of the said patent and James Green assuring him he would deliver him the same the Petitioner ceased to proceed any farther therein at that time. And for as much as the Petitioner has often times since applyed to the said Green for the Courses aforesaid, which he has nevertheless refused to deliver; and in regard no record of the said Patent is to be found the Petitioner humbly prays the preference of a resurvey that they said Green may be compelled to deliver him the courses aforesaid; or in case Farnifold Green should apply for the said resurvey, that they same may be directed to, and run out by a surveyor who shall be deemed an indifferent Person.

Then was read the Petition of Farnifold Green and James Green showing they are in possession of a Tract of One Thousand and seven hundred Acres of Land granted by the late Lords proprietors Patent to Farnifold Green their Father scituate in Craven County on the north side of Neuse River beginning at the Sandy point of Farnifolds Creek. And the Petitioners conceiving there is more Land contained within the courses and distances of the said patent than the same specifies humbly prays a resurvey thereon: Which on consideration of the Board is granted and Ordered that the Surveyor General cause the same to be resurveyed, and that Solomon Rew and Richard Caswell, Deputy Surveyor indifferently chosen and appointed in Council do accordingly run out the premises, first giving the Petitioner William Carruthers notice thereof and that a report of their Doings therein be made to this Board at their next sitting.

At the same time was read the several Petitions of Francis Dawson, William Carruthers, James Green and Daniel Shine touching the premises; which are Ordered to lye over till the resurvey granted to Farnifold Green and James Green aforesaid be duly made and returned

Read Sundry Petitions for Warrants for Land Viz^t

Thomas Mills 150 Craven, Stephen Calvert 200 D°, John Bradley 100 D°, Garret Hyman 300 Beaufort, Christopher Dawson 100 Craven, Peter Shaver 640 Bladen, Gyles Clements 100 Beaufort, Henry Gibbons

300 Craven, Francis Brice 150 Duplin, George Harnage 200 New Hanover Granted

Read the Petition of William Beasley for a Warrant for Two hundred Acres of Land in Craven County which the same not being properly ascertained is delayed till the next Council.

Read the Petition of Henry Heaton for a Warrant for One hundred Acres of Land in Craven County and delayed till better ascertained

Mr. John Rice exhibited in Council the Petition of John Mills praying the same might be read, which was Accordingly and is as follows Viz^{t}

The Humble Petition of John Mills, Sheweth,

That on the 26th day of June 1746 he obtained the Kings Patent for One hundred and fifty Acres of Land lying in Craven County; which Patent, and the plat thereto annexed, are Erroneous; The same specifying on the North side of Neuse river, beginning at the head of a Gut, at a white Oak and runs North 73 E^{t} 257 pole to an oak then S^{o} 10 E^{t} 186 poles to a stake at the Creek side thence up the several courses of the Creek to the first Station. When the same should have been thus, At the head of Powells Creek, and on the North side of Neuse river, between the Lines of John Nelson's and William Morgan, beginning on Powell's Creek at a white Oak joining Nelsons Line and runs N^{o} 73 E^{t} 257 poles to a red Oak then S^{o} 10 E^{t} 186 poles to a stake on the Creek then up the Creek to the first Station

That the reason of such mistake was owing to the Deputy Surveyor, who having so mislaid the Original Plat that the same being for a long time not to be found was obliged to return a plat taken from his field book, and that as your petitioner imagines inadvertently. That the true Warrant and Plat being at length returned into the Secretarys Office Your Petitioner humbly prays that a new Patent may issue agreeable thereto, of equal date with the former, and that the old Patent may be cancelled and the record expunged the same

And Your Petitioner as in duty bound shall ever pray

The Board having taken the said Petition into their consideration and in regard the record not appearing thought fit to postpone the same till the next sitting of the Council and Ordered that the Secretary (having five days notice) do then produce to this Board the Patent Book that the mistake set forth in the said petition may be rectified as prayed.

Read the following Petitions for Grants for Patents Viz^{t}

William Collins 300 Johnston, John Simpson 200 Onslow, Samuel Baker 200 Bladen, Thomas Lovick 200 Craven, John Windows 100 Johnston Granted.

At a Council held at the Council Chamber in New Bern the 10th day of July 1750

Present His Excellency the Governour

The Hon^ble { Roger Moor, James Hasell, James Innes } Esq^rs Members of Council

Read Sundry Petitions for Warrants for Land Viz^t

Peter Matthew 50 Craven, Richard Cogdell 300 Johnston, Isly Kilpatrick 450 D^o, John Vernan 150 Duplin, Alexander Lillington 640 New Hanover, John Herring 500 Duplin, Jacob Jernagin 640 D^o, James Hasell 850 New Hanover. Granted.

Read the following Petitions for Grants for Patents Viz^t

Joseph Letchworth 200 Craven, John Ratcliffe 250 Johnston, Charles Robinson 100 Anson, William Carruthers Jun^r 300 Craven, John Corlew 640 Anson, Robert Brinkley 500 D^o Granted

His Excellency was pleased by and with the advice and assent of his Majesty's Council to order that a Dedimus issue to Johnston County to Qualify Thomas Banks Thomas Edwards William Spight Stephen Cade Joshua Horton, Samuel Sandford and Philip Trapnal Justices in the Commission of the Peace for and within the same.

His Excellency was likewise pleased by and with the advice and assent as aforesaid to order that a Dedimus issue to Chowan County to qualify John Sumner, Demsey Sumner, Thomas Walton and Richard Bond, Justices in the Commission of the Peace for and within the same.

By order JOHN RICE C. C.

At a Council held at the Council Chamber in New Bern the 27th day of September 1750

Present His Excellency the Governour

The Hon^ble { Roger Moor, James Hasell, James Murray, James Innes } Esq^rs Members of Council

Read Sundry Petitions for Warrants for Land Viz^t

Matthew Cloves & John Chegal 400 Anson, Samuel Howard 400 D^o, Daniel Warlick 1000 D^o, Peter Harphel 600 D^o, D^o 600 D^o, Daniel Warlick 200 D^o, D^o 300 D^o, D^o 400 D^o, D^o 1000 D^o, D^o 400 D^o, Peter Broyl 600 D^o, Thomas Roberts 150 Carteret, Thomas Eilbank 150 D^o, Shadrack Allen 200 Craven, Roger Moor Esq^r 500 New Hanover, Richard Noorland 100 Johnston. Granted.

At a Council held at the Council Chamber in New Bern the 28th September 1750

Present His Excellency the Governour

The Hon^ble { James Murray, James Hasell, James Innes } Esq^rs Members of Council

Read the following Petitions for Warrants for Land Viz^t

Robert Leopards 300 Anson, D^o 200 D^o, Thomas Williams 200 D^o, Thomas Irvin 300 D^o, Henry Potts 1000 D^o, Alexander Osborn 600 D^o, Robert Jennings 100 D^o, Thomas Rennels 300 D^o, John Shiarer 200 D^o, Thomas Rennels 600 D^o, John Cowen 300 D^o, Robert Tennan 1000 D^o, John Brandon 505 D^o, Thomas Cook 1000 D^o, Alexander Osborn 600 D^o, Henry Oberry 100 D^o, William Cockeran 200 Bladen, John Connerly 300 Duplin, James Oates 200 Johnston, Richard Caswell Jun^r 100 D^o, Solomon Ward 400 D^o, Thomas Brigman 300 Bladen, Joseph Cannon 300 Johnston, Edmund Knowles 200 D^o, Walter Kennedy 100 D^o, James Kuykendal 600 Anson, Mathew Kuykendal 300 D^o, Samuel Wilkins 640 Anson, John Bravard 400 D^o, James Armour 600 D^o, Joseph Reid 640 D^o, Cornelius Oneal 800 D^o, Lawrence Snap 800 D^o, Leonard Killan 300 D^o, Thomas Sprot 400 D^o, George Cathey 600 D^o, William Barlet 500 D^o, John Brevard 640 D^o, Bartlet Brown 400 D^o, Joseph Jones 640 D^o, Samuel Allen 640 D^o, William Wilkins 640 D^o, Jonathan Wilkins 640 D^o, John Gullet 400 D^o, Samuel Wilkins 800 D^o, James Carter 400 D^o, John Brevard 400 D^o, Zebulon Brevard 500 D^o, Arthur Patten 600 D^o, David Davis 640 D^o, John M^cGuyre 640 D^o, Robert M^cDowell 640 D^o, Matthew Tool 500 D^o, David M^cPeters 640 D^o, John Thompson 1000 D^o, D^o 600 D^o, Archibald Hamilton 640 Anson, James Gillespie 1280 D^o, D^o 200 D^o, James Mackilwean 640 D^o, Thomas Herring 400 D^o, John M^cConnell 300 D^o, James Roberts 640 Onslow, James Bonner 200 Beaufort, Jacob Millar 250 Anson, John Batey 300 D^o, John Williams 100 New Hanover, William Cohorn 200 D^o, Nathan Johns 160 D^o, Joseph Blake 640 D^o, John Smith 66 D^o, Job Brooks 200 Onslow, John Brown 150 New Hanover, Roger Mason Jun^r 100 Hyde, Daniel Oquirn 200 Craven, James Carter 300 Anson. Granted

Jeremiah Vail 1000 Anson, John Cathey 600 D^o, George Hager 400 D^o Delayed

John Cathey 640 Anson Rejected.

Read the Petition of Maurice Moor setting forth that Col^o William Forbes obtained the Kings Patent for One Thousand Acres of Land scituate in New Hanover County on Nesbys Creek on the North East river of Cape Fear; of whom the Petitioner purchased the said Land, Who conceiving there is not the Quantity of Land contained within the

Courses and Distances of the said patent, as is therein specified, Humbly prays a resurvey thereof in Order to ascertain the true Quantity that thereby he may be liable only for the Land he really holds, which is Granted and Ordered that the Surveyor General do resurvey the same accordingly and make report of his doings therein to this Board at their next Meeting.

Read Sundry Petitions for Grants for Patents Viz^{t}

Henry Best 525 Johnston, Edward Outlaw 250 New Hanover, William Smith 260 Anson, John Clark 150 Johnston, William Hines 65 D^{o}, Mary Jones alias Saucer 100 Bladen, Thomas Rogers 300 Johnston Granted

The following Persons on Mention to the Board were admitted to prove their Rights Viz^{t}

Abraham Busset	3 white	in Craven County
James Carter	7 D^{o}	in Anson

Ordered that the Clerks of each and every County Court within this Province do prepare an exact List of all the Taxable persons within their respective County, for the year 1750; and transmit the same to the Secretarys Office at New Bern, on or before the fourth Tuesday in March next. And that the Secretary do give them notice thereof accordingly

Ordered that the Clerk of the House of Burgesses have notice to prepare from the Journals of that House, a particular Account of all the Sums of the Current Bills of 1734, which have been sunk and burnt, as well before the emission of the present Bills, as since; and that he lay the same before this Board in March next.

At a Council held at the Council Chamber in New Bern the 29th September 1750

Present His Excellency the Governour.

The Hon^{ble} { Roger Moor, James Murray, James Hasell } Esq^{rs} Members of Council

Read the several Petitions of James Armour, George Rennick for certain Land in contest between the parties Scituate in Anson County. The Arguments on both sides and the Evidences produced on the part of the Petitioner Rennick being duly heard and considered. Tis Ordered that a Warrant issue for the said George Rennick for the Land in Question that is to say for three Hundred Acres of Land in Anson County agreeable to the prayer of this Petition

Read the several Petitions of James Bezeau and William Larkins for certain Land in contest between the parties lying in New Hanover County which are Ordered to lye over till the next Council

Read the following Petitions for Warrants for Land Viz^{t}

John Allen 600 Anson, Adam Platt 200 Craven, William Webb 200 Johnston, Abraham Busset 150 Craven, Benjamin Wheatley 640 Onslow, Henry Snoad 50 D^{o}, Richard Keen 200 N. Hanover, Robert Wallace 100 D^{o}, James Williams 300 D^{o}, Joshua Fewhauks 100 D^{o}, Richard Daves 640 Craven, Henry Hover 200 D^{o}, Jacob Millar 200 D^{o}, D^{o} 200 D^{o}, William Wickliffe ℔ Glovers Consent 200 Craven, John Nelson 50 Carteret, Stephen Clap 300 D^{o}, Isabella Keith 640 Johnston, John Famlin 100 Carteret, Cornelius Lynch 300 Johnston, John Peters 500 Craven, John Smith 200 D^{o}, John Anderson 100 D^{o}, John Williams 200 Carteret, William Carruthers Jun^{r} 200 Beaufort, John Williams 640 Craven, John Philips 640 Anson, George Rennick 400 D^{o}. Granted

The Petition of John Cathey which was presented the 28th instant for six hundred Acres of Land in Anson County being again read to the Board and considered is allowed.

Read Sundry Petitions for Grants for Patents Viz^{t}

Robert Jones 282 New Hanover, John Philips 300 Craven, Andrew Cathey 200 Anson, William Stewart 100 Duplin, John Cook 400 New Hanover, David David 100 D^{o}, Charles Ryall 420 Duplin, James Cook 300 New Hanover, Henry Skibbow alias 100 D^{o}, William Taylor 200 D^{o}, Joseph Blake 200 D^{o}, William Houston 50 D^{o}, James Thomas 150 D^{o}, Patrick Stewart 200 D^{o}, Henry Whitner 1000 Anson, William Teague 200 N. Hanover, Aaron Wood 213 Johnston, John Batey 400 Anson, Samuel Coburn 260 D^{o}, John Hamer 170 D^{o}, Thomas Potts & Samuel Beasam 400 D^{o}, Preston Goforth 400 D^{o}, John M^{c}Connell 300 D^{o}, John Leath 100 D^{o}, Thomas Potts 400 D^{o}, James Hamer 300 D^{o} Granted.

Read the Petition of Stephen Clap setting forth that Thomas Nelson deceased in his life time obtained the Kings patent for one hundred Acres of Land scituate in Carteret County adjoining to the South side of Occacock Inlet, Beginning at a small Creek that parts the Banks from an Island of Marsh in Pamplico Sound. And conceiving there is more Land comprized within the Courses and Distances of the said Patent than is therein specified. The petitioner humbly prays a Resurvey thereof which is Granted and Ordered that the Surveyor General do accordingly resurvey the same, and make report of his doings therein to this Board at their next meeting.

Read the Petition of Robert Courtney shewing certain Errors in his patent and plat for the Land he lives on; praying to have the same rectified, as well as the record thereof

Ordered that the affair lye over till there is a full Council, and that the Secretary do then produce the Record Book.

The Petition of George Hagar which was presented the 28th Instant for four hundred Acres of Land in Anson County, being again read to the Board, is further Delayed till next Council

Read the petition of Bastuan Best for a Grant for three hundred Acres of Land in Anson County; which being opposed is deferred till the next Council

Whereas upon the Petition of John Freeman of Beaufort exhibited to the Board in March last, setting forth that John Rieussett, Gentleman, one of the Justices of the said County, had behaved unworthily in his Office, and inconsistent with the duty of a Majistrate. It was considered and Ordered that the said John Rieusett, appear before the Council, at the present Meeting, to answer to the said Complaint: Which Order the said John Rieusett having contemptiously disobeyed. His Excellency was therefore pleased, by and with the advice and consent of his Majesty's Council to Order the said John Rieusett's name to be struck out of the Commission of the Peace for Beaufort County, and that accordingly the Chairman do strike out the same at the next County Court

At a Council held at the Council Chamber in New Bern the 1st October 1750

Present His Excellency the Governour

The Honble { Roger Moor, James Hasell } Esqrs Members of Council

Read Sundry Petitions for Grants for Patents Vizt

Edward Salters 1190 Beaufort, Mark Fergison 200 Craven, Patrick Stainland 200 Craven, Edward Salter 665 Beaufort, Jacob Taylor 200 Johnston Granted

At a Council held at the Council Chamber in New Bern the 2d October 1750—P. M.

Present His Excellency the Governour

The Honble { Roger Moore, James Innes } Esqrs Members of Council

Read the following Petitions for Warrants, for Land Vizt

Mathew Prigens 300 New Hanover, John Becton 400 Craven, John Duncan 200 Do, Benjamin Roads 139 New Hanover, Lewis Powell 640 Anson, Joseph Carruthers & Francis Mackilwean 400 Do Granted

Read Sundry Petitions for Grants for Patents.

John Bradley 100 Craven, George Millar 100 Do, Philip Millar 200 Bladen Granted

Upon the petition of William Sims, Captain of the Fort at the Mouth of Cape Fear River, complaining that the Wages allowed to himself, and two Men under his Command, for attending the said Fort, are not duly paid; whereby they are rendered incapable of the said Service; and praying to be relieved

Ordered that Mrs. Ann Moseley, Executrix of Edward Moseley Esq^{r} Deceased, do forthwith pay into the Hands of Commissioners, appointed by Law, for building the said Fort, the sum of One Thousand Pounds proclamation Money; to be by them applyed for and towards the use of the said Fort.

On Motion of Roger Moore Esq^{r} in behalf of Fielder Powell. Ordered that a Grant pass to the said Fielder Powell for four Hundred Acres of Land in Craven County Scituate on the South side of Neuse River, and on the South side of Wherrys Branch in Consequence of a Warrant to, and in the name of the late John Powell, duly Executed and returned into the proper Office.

Ordered that for the future no Entry of Land be made nor any Surveys received, Unless the Person making such Entry, and returning such survey, shall depose on Oath, before such Magistrate, lawfully empowered to administer the same, that the Species of Money which he tenders in payment, for the fees accruing on the same, be actually what he received from the Person or Persons, for whom he makes such entry, or return survey as aforesaid

[B. P. R. O. North Carolina. B. T. No. 26.]

LEGISLATIVE JOURNALS.

At a General Assembly begun, and held at Newbern The Twelfth day of June in the Nineteenth Year of the Reign of our Sovereign Lord George the Second by the Grace of God, of Great Britain, France, and Ireland King Defender of the faith &c: And in the year of our Lord, One Thousand seven hundred, and forty six. And from thence continued by several Prorogations, and adjournments. To the Twenty eigth day of March, in the year of our Lord, One Thousand seven hundred and fifty, in the Twenty third year of his said Majesties Reign being the eigth session of this present General Assembly.

In the Upper House March 28th 1750.

Present His Excellency the Governor

The Honourable { Nathaniel Rice, James Murray, Mathew Rowan, James Hasell, Roger Moore. } Esqrs Members.

Then His Excellency came to the House, and sent a mandate to the Lower House, commanding their immediate attendance, in the Council Chamber.

Whereupon the Speaker, attended upon by the Lower House waited upon his Excellency who after making a short ex tempore speech directed them to return to their House and forthwith to proceed upon business: which they accordingly did. And the House adjourned until tomorrow morning. Nine o'Clock.

Thursday March 29th The House met according to adjournment

Present.

The Honourable { Nathaniel Rice. James Murray. Mathew Rowan. James Hasell. Roger Moore. } Esqrs Members.

Mr. Starkey and Mr. Ormond Brought up the following messages (viz.)

GENTLEMEN OF HIS MAJESTIES HONOURABLE COUNCIL.

We have appointed Mr. John Starkey, Mr. John Dawson, Mr. Wyriot Ormond and Mr. John Haywood a Committee to examine into the state of the Tax, laid for erecting the Publick buildings, and offices at Newbern, whether the same have been regularly accounted for, and the reasons why the said publick buildings have not been erected and built in conjunction with such of your board as you shall think proper to appoint.

GENTLEMEN OF HIS MAJESTIES HONOURABLE COUNCIL.

We have appointed Mr. John Starkey, Mr. Thomas Lovick, Mr. Wyriot Ormond, Mr. John Dawson, and Mr. John Haywood, a Committee of this House to examine into the Treasurer's accounts, and also a Committee on publick accounts, and claims, to join those of your board as you shall think fit to appoint.

To which this House was pleased to send the following answer (viz.)

MR. SPEAKER AND GENTLEMEN.

In answer to your message of this morning regarding the appointment of the severall Committees, on the publick accounts, and publick claims,

and the state of the Tax laid, for erecting the publick buildings &c: The House hath appointed the Honourable Mathew Rowan and Roger Moore Esq[rs] on the publick claims, and the Honourable James Murray and James Hasell Esq[rs] on the publick accounts and also to examine the state of the Tax for erecting the publick buildings &c: to join those of your House.

Mr. Dawson and Mr. Haywood Brought up the following Bills.

A Bill for an Act to enable the Justices of the several counties to provide certain law Books for the use of their County Courts.

A Bill for an Act to appoint a publick Treasurer in the room of Eleazar Allen deceased. In the Lower House read the first time and passed. In this House read the said Bills and passed.

Then the House adjourned until Three o'Clock, in the afternoon.

The House met according to adjournment

Present.

The Honourable { Nathaniel Rice. James Murray. / Mathew Rowan. James Hasell / Roger Moore. } Esq[rs] Members.

Then the House adjourned until to-morrow morning Nine o'Clock.

Friday March 30[th] The House met according to adjournment.

Present.

The Honourable { Nathaniel Rice. James Murray. / Mathew Rowan. James Hasell. / Roger Moore. } Esq[rs] Members.

And adjourned until three o'clock in the afternoon.

The House met according to adjournment.

Present.

The Honourable { Nathaniel Rice. James Murray. / Mathew Rowan. James Hasell. / Roger Moore. } Esq[rs] Members.

And adjourned until to-morrow morning Nine o'clock.

Saturday March 31[st] The House met according to adjournment.

Present.

The Honourable { Nathaniel Rice. James Murray. / Mathew Rowan. James Hasell. / Roger Moore. } Esq[rs] Members.

Mr. Lovick and Mr. Dawson brought up the following Bills. (viz.)

A Bill for an additional Act for an Act for obtaining an exact list of Taxables, and for the effectual collecting as well all Arrears of Taxes, as all other Taxes for the future, due, and payable.

A Bill for an Act, for altering the times of holding the Courts of Common Pleas, and quarter sessions, in the Counties of Edgcomb, Craven, Bladen, Northampton, Johnston, Granvile, Beaufort and Hyde.

In the Lower House read the first time, and past.

In this House read the Bill for altering the times for holding the Courts &c: the first time and past.

And adjourned until three o'clock in the afternoon.

The House met according to adjournment.

Present.

The Honourable { Nathaniel Rice. James Murray. / Mathew Rowan. James Hasell. / Roger Moore. } Esq[rs] Members.

And adjourned until Monday morning Nine o'Clock.

Monday April 2[d] The House met according to adjournment.

Present.

The Honourable { Nathaniel Rice. James Murray. / Mathew Rowan. James Hasell. / Roger Moore. } Esq[rs] Members.

Mr. Lovick and Mr. Starkey brought up the following Bills. (viz.)

The Bill, for appointing a publick Treasurer &c:

The Bill, for altering the times for holding the Courts &c:

The Bill, to enable the Justices of the several Counties to provide law books.

In the Lower House read the said Bills, the second time, and passed.

Mr. Sampson and Mr. M[c]lewain brought up a Bill for erecting the upper part of New-Hanover County, into a County, and Parish, by the name of and Parish of and for appointing a place for building a Court House Prison and Stocks in the said County. In the Lower House read the first time, and past.

Mr. Sampson and Mr. M[c]lewain brought up a Bill for erecting the upper part of Bladen County, into a County and Parish, by the name of Anson County and S[t] Georges Parish, and for appointing a place for building a Court House, Prison and Stocks in the said County. In the Lower House read the first time, and passed.

The Bill, for obtaining an exact list of Tythables &c: In this House read the first time, and passed with Amendments.

The Bill, to divide the upper part of Bladen County, into a County, and Parish. In this House read the first time, and passed.

The Bill, to divide the upper part of New-Hanover County into a County and Parish &c. In this House read the first time and passed with Amendments.

Then the House adjourned until Three o'Clock in the afternoon.

The House met according to adjournment.

Present

The Honourable { Nathaniel Rice. James Murray. / Mathew Rowan. James Hasell. / Roger Moore. } Esq^rs Members.

The Bill, to appoint a publick Treasurer.

The Bill to enable the Justices to provide certain law books &c:

In this House read the said Bills the second time and passed with Amendments.

Then the House adjourned until to-morrow morning Nine o'Clock.

Tuesday April 3^rd The House met according to adjournment.

Present.

The Honourable { Nathaniel Rice James Murray. / Mathew Rowan. James Hasell. / Roger Moore } Esq^rs Members.

Mr. Dawson and Mr. Bell Brought up the following Bills (viz.)

The Bill for obtaining an exact list of Taxables &c:

The Bill, to divide the upper part of New Hanover County, into a County and Parish &c:

In the Lower House read the said Bills, the second time, and passed with amendments.

Also a Bill, to empower Michael Higgens to build a bridge over Trent River at a place called Whickless Ferry in Craven County &c:

A Bill, to repeal an Act for the releif of poor Debtors, as to the imprisonment of their bodies.

A Bill, for an Act for appointing, and laying out a Town, at the plantation of Mr. Samuel Jordan, on the North side of Roanoke River, in Northampton County, and for establishing two Fairs to be held annually there.

In the Lower House read the said Bills the first time & past.

In this House read the Bill to impower Michael Higgens to build a Bridge over Trent &c:

The Bill, for erecting a Town on the North side of Roanoke River &c: The first time and passed.

Also the Bill, to repeal the Act, entitled an Act, for the releif of poor Debtors &c:

And ordered to lye upon the Table.

The Report of the Committee of publick accounts, sent up to this House, by Mr. Dawson, and Mr. Bell for their concurrance.

The Bill, to divide the upper part of Bladen County, into a County and Parish &c: In this House read the second time, and past with Amendments.

The Bill to divide the upper part of New Hanover County, into a County and Parish &c: In this House read the second time and passed with Amendments.

Mr. Starkey and Mr. Haywood brought up an additional act, to fix a place for the seat of Government, and for Keeping publick Offices, for appointing circuit Courts and defraying the expences thereof; and also for establishing the Courts of Justice and regulating the proceedings therein. In the lower House read the first time, and passed. In this House read and past.

The Bill, for obtaining an exact list of Thyables &c: In this House read the second time and past with Amendments.

The House adjourned until Three o'clock in the afternoon.

The House met according to adjournment.

Present.

The Honourable { Nathaniel Rice. James Murray. / Mathew Rowan. James Hasell. / Roger Moore. } Esq[rs] Members.

Mr. Dawson and Mr. Eaton Brought up the following Bills. (viz.)

The Bill, to appoint a publick Treasurer &c:

The Bill, to enable the Justices to provide certain books for their County Courts &c:

In the Lower House read the said Bills, the Third time and past.

The Bill, Also to encourage Michael Higgens to build a Bridge &c: In the lower House read the second time and past with Amendments.

The Bill for erecting a Township on the North of Roanoke &c: In the Lower House read the second time and past.

Then this House were pleased to send the following message (viz)

MR. SPEAKER AND GENTLEMEN

We purpose that a Committee be appointed to examine and state the accounts of the Commissioners for stamping and emitting the sum of Twenty one thousand, three hundred and fifty pounds, and we have appointed the Honourable James Murray, and James Hasell Esq[rs] to join such Members of your House, as you shall think fit to appoint for that purpose.

Then the House adjourned until three o'clock in the afternoon.

The House met according to adjournment.

Present.

The Honourable { Mathew Rowan James Murray. / Nathaniel Rice James Hasell. / Roger Moore. } Esq^rs Members.

Read the Bill to encourage Michael Higgens to build a Bridge &c: In this House read the second time and passed.

Read the Bill for erecting a Township on the North of Roanoke &c: In this House read the second time and passed.

Mr. Sampson and Mr. Macklewain Brought up the following Bills, together with the following Message.

The Bill to divide the upper part of Bladen County into a County and Parish &c: In the Lower House read the third time and passed. In this House read and passed. Ordered to be engrossed.

The Bill to divide the upper part of New Hanover County, into a County and Parish &c: In the Lower House read the third time and passed. In this House read the third time and passed. Ordered to be engrossed.

The Bill for obtaining an exact list of Tythables. &c: In the Lower House read the third time and passed with amendments.

Gentlemen of his Majesties Council.

In answer to your message of this morning regarding the appointment of a Committee to examine and state the Accounts of the Commissioners for stamping and emitting the sum of £21350. This House have appointed Mr. John Dawson, Mr. Joseph Bell and Mr. Michael Coutauch in conjunction with those your Board have appointed for that purpose and will meet them at Mr. Speakers Chambers this evening.

Read the Bill to enable the Justices of the several Counties to provide certain law books &c: In this House read the third time and passed. Ordered the same to be sent down and engrossed.

Mr. Dawson and Carruthers Brought up the following Bills (viz.)

The Bill for erecting a Township, on the North side of Roanoke &c: In the Lower House read the Third time, and past with Amendments.

The Bill to encourage Michael Higgens to build a Bridge &c: In the Lower House read the third time and passed.

The Bill, for an additional Act, to an Act, to fix a place for the seat of Government &c: In this House read the second time and passed with Amendments

Mr. Dawson and Mr. Eaton Brought up the following resolve from the Lower House.

GENTLEMEN OF HIS MAJESTIES HONOURABLE COUNCIL.

We send you the following resolve of this House, made the 31st of March last. viz In the General Assembly.

Resolved. That James Davis Printer be paid half a years Sallary which will be due to him, the 25th of June next, out of the Publick Treasury, and that the said be replaced in the said Treasury out of the Tax arising by the Act for the Encouragement of James Davis to set up, and carry on his business of a Printer in this Province &c: To which we desire your concurrance. By order. SAM[l] SWANN Speaker.

On reading the Bill for appointing a Treasurer, in this House a third time, this House thought fit, to send the following Message (viz)

MR. SPEAKER AND GENTLEMEN.

We observe on reading the Bill, for appointing a Treasurer in the room of Eleazar Allen Esq[re] deceased, the third time you have put in Mr. John Starkey instead of Mr. George Nicholas whom this House had put in for Treasurer, upon which we desire a conference with your House, as also upon the amendment you made in the Taxables Bill, relating to the Taxables between sixteen and sixty years of age, and the Fees to the Clerks for Lists of the Taxables, which conference we desire may be had at the Council Chamber to-morrow nine o'clock. and we have appointed the Honourable Roger Moore and James Murray Esq[rs] to manage the Conference on the part of this House The Resolve of this House brought up this day by Mr. Dawson and Mr. Eaton after being read, was sent down, concurred with.

Then the House adjourned until to-morrow morning 9 o'clock.

Thursday April 5th The House met according to adjournment.

Present.

The Honourable { Nathaniel Rice. James Murray. / Mathew Rowan. James Hasell. / Roger Moore. } Esq[rs] Members.

Mr. Bartram and Mr. Washington Brought up the Bill for an Additional Act, to fix a place for the seat of Government. In the Lower House read the third time and passed.

The Bill for erecting a Township on the North of Roanoke &c: In this House read the Third time and passed. Ordered to be sent down and engrossed.

This House on reading the Bill, for an Additional Act, to fix a place for the seat of Government &c: The third time thought fit to send the following Message.

Mr. Speaker and Gentlemen,

The last clause of the Bill for an Additional Act, to an Act, for fixing the seat of Government, giving Authority to the County Courts, to dispose of Lands, which on the second reading in this House we have struck out, we observe on a third reading, you have put it in again: but we think we have good reason to adhere to the Amendment, and therefore desire to know if you will consent to leave it out, or otherwise we cannot pass the Bill.

Mr. Eaton and Mr. Haywood Brought up the following Message (viz)

Gentlemen of his Majesties Honourable Council.

We are under some surprise that your House on the second reading of the Bill, for appointing a Treasurer in the room of Eleazar Allen Esq^re^ deceased put out the name of John Starkey, whom this House had nominated in the said Bill as a proper person for that Office, and put in the name of George Nicholas in place thereof, which to avoid any misunderstanding that might destroy the Harmony hitherto subsisting between the two Houses; this House took no further notice of than on the third reading of the said Bill to *dele* the name of Mr. George Nicholas and again to insert the name of Mr. John Starkey, that at the same time your altering the Bill in that part was considered as a violation of the Priviledges of this House it having always been their right to nominate a person for that Office, but notwithstanding, to convince your Honours, that nothing shall be wanting on our parts, to preserve a good understanding between the two Houses, we agree to meet you in the Council Chamber at the time you purpose, for holding a conference to confer with you on the subject matter of your message and have appointed Mr. Speaker and Mr. Wyriot Ormond to manage the said conference, on the part of this House.

By Order. SAMUEL SWANN. Speaker.

To which message, this House was pleased to send the following answer.

Mr. Speaker and Gentlemen,

In answer to your Message of yesterday relating to a person for a Treasurer, wherein you express a surprise at our altering the Bill in that particular, we on our part, can not but be equally surprised at your proceeding; when you assert an exclusive right to the nomination of such person, a pretention that we apprehend to be without foundation, nor are we unapprised of precedents to the contrary: We at the time do profess a sincere desire, and disposition, on our parts to preserve, and cultivate, by all reasonable means, the good harmony, and understanding, which has hitherto happily subsisted between the two Houses.

Then Mr. Speaker attended by the Lower House waited upon this House in the Council Chamber, upon the proposed conference and after debating on the subject matter of the said Conference, withdrew to their House again.

Then this House adjourned till three o'clock in the afternoon.

The House met according to adjournment.

Present.

The Honourable { Nathaniel Rice. James Murray. / Mathew Rowan. James Hasell. / Roger Moore. } Esq^rs Members.

Mr. Ormond and Mr. Starkey Brought up the following Message (viz.)

Gentlemen of his Majesties Honourable Council.

On reading your message of this day concerning the last clause, in the Bill for an Additional Act to an Act for fixing a place for the seat of Government &c:

This House consent with your Honours, in the leaving out the last Clause in the said Bill. Together with the following Resolves.

Resolved. That this House adhere to the Amendments, by them made in the Bill for appointing a Publick Treasurer to wit in striking out Mr. George Nicholas, and inserting in the said Bill, Mr. John Starkey the person first nominated.

That this House agree with the Honourable the Members of his Majesty's Council that the Bill, for an Additional Act to an Act for obtaining an exact list of Taxables &c: be amended, by distinguishing such of the male slaves required to be given in as Taxables by the said act, who are upward of sixteen years of age. And also that the last Clause for allowing a fee to the Clerk for making out the list of Taxables be amended as follows (viz.) That the Justices of the several Counties shall be impowered to make the said Clerks a proper allowance out of the County Tax, for making out the said Lists, and have ordered that Mr. Wyriot Ormond and Mr. John Starkey do wait on your Honours to see the said Amendments incerted in the aforesaid Bill.

By Order. SAMUEL SWANN Speaker.

Mr. Ormond and Mr. Starking, [Starkey] in pursuance of the above message, came up to this House. and saw the Amendments made in the Bill for an Act for obtaining an exact list of Taxables &c: Whereupon the said Bill being put to the House past the third time, upon the said Amendments. and Ordered that the same be sent down to the Lower House and engrossed.

The Bill for an Additional Act, to an Act, to fix a place for the seat of Government &c: being put to the House, upon the said Amendments the third time passed, and ordered that the same be sent down and engrossed.

The Bill for to encourage Michael Higgins to build a Bridge &c: In this House read the third time, and past. Ordered the same to be sent down and engrossed.

The Bill for an Act to appoint a Publick Treasurer &c: In this House being read the Third time, and after being put to the House was rejected. The House, on reading the report of the Committee of Accounts, thought fit to send the following Message. (viz.)

MR. SPEAKER AND GENTLEMEN.

We observe by the Report of the Committee of Accounts that Mr. Thomas Barker Treasurer for the Northern District has paid this present session, the value of five hundred, and two pounds, and two pence, Proclamation Money, by him received on account of the Poll Tax of one shilling Proclamation Money, for sinking the new currency part of the said sum, to wit, two thousand five hundred and thirty-eight pounds, nine shillings and four pence Proclamation Money, ought to have been exchanged according to the Act in that case made, and provided by the Commissioners for stamping of Twenty one thousand, three hundred and fifty pounds. And the new Bills for the whole of five hundred and two pounds, and two pence, ought by the same account, to have been paid to the Committee of Accounts, in order to be burnt.

We have appointed the Honourable Roger Moore and James Hasell Esq[rs] two of the Members of this House, to join such Members of your House as you shall think fit to appoint, as a Committee to examine, and burn such old Bills as have been exchanged by the Commissioners, or received by the Committee, as also the sum of five hundred and two pounds, and two pence Proclamation of New Bills, and a farther sum of equal value to the Old Bills, which Mr. Barker paid the Committee of Accounts formerly towards the sinking fund.

Mr. Ormond and Mr Starkey Brought up the following message (viz.)

GENTLEMEN OF HIS MAJESTIE'S HONOURABLE COUNCIL.

The Committee for stamping and emitting the Sum of Twenty one Thousand, Three hundred and fifty pounds, have produced to this House the sum of Two Thousand five hundred and Ten pounds thirteen shillings, old Bills which the said Commissioners have exchanged for the new, or Proclamation Money and the Sum of eighty three pounds, eight

shillings and four pence Proclamation Money paid in by Mr. Thomas Barker in April Session of Assembly last past, part of the sinking fund, and the sum of Two thousand five hundred, and Thirty eight pounds, nine shillings old Bills, paid by Mr. Barker this session of Assembly, on account of the sinking fund: and the Sum of ninety one pounds fourteen shillings and nine pence Proclamation Money paid by the said Mr. Barker into the Committee of Accounts this Session, part of the sinking fund, and also the Sum of Three hundred, and Thirty eight pounds nine shillings and two pence Proclamation Money, equal in value to the aforesaid Sum of Two thousand five hundred, and Thirty eight pounds, eight shillings and four pence Old Bills for which the same ought to have been exchanged.

Therefore this House resolved that the said several sums be burnt to-morrow morning about Nine of the clock, in the publick Street in the presence of such of the Members of his Majesties Council, and General Assembly, as shall please to attend, at the burning of the same, and desire your Honours will be present.

Then the House adjourned 'till to-morrow morning Nine o'clock.

Friday April 6th The House met according to adjournment.

Present.

The Honourable { Nathaniel Rice, James Murray, Mathew Rowan, James Hasell, Roger Moore } Esqrs Members.

And adjourned until Three o'clock in the afternoon.

The House met according to adjournment.

Present.

The Honourable { Nathaniel Rice, James Murray, Mathew Rowan, James Hasell, Roger Moore } Esqrs Members.

Mr. Dawson and Mr. Bell brought up the following Message (viz.)

Gentlemen of his Majesties Honourable Council,

This House have resolved that the publick Buildings, to be built at Newbern, to be made of Brick of the Dementions following viz: one House for a Court House of fifty feet in length and Thirty feet in width, in the clear, one other house, for the use of his Majesties Honourable Council, of thirty feet long and Twenty feet wide, in the clear: one House of the like Dementions, for the Officers; the walls of the Court House to be fifteen feet high, from the surface of the earth, and those of the Council, and for the Officers, Twelve feet high from the said surface, and the same to be placed in a regular manner, upon such lots as they

shall procure in Newbern, and shall take deeds for the same, to themselves, their Heirs, and successors for the use of the publick. To which we desire your concurrence.

Which message being read was sent down to the Lower House and concurred with.

The report of the Committee of Accounts sent down to the lower House concurred with

Then the House adjourned until to-morrow morning 9 o'clock.

Saturday April 7th The House met according to adjournment.

Present.

The Honourable { Nathaniel Rice James Murray. / Mathew Rowan. James Hasell. / Roger Moore. } Esq^rs Members.

The estimate of this House sent down to the Lower House for their concurrance.

Mr. Sampson and Mr. Lovick brought up the following resolutions (viz.)

Friday April 6th 1750. In the General Assembly.

Ordered. That the allowance due to his Majesties Council, the Clerk and Officers thereof amounting to the sum of seventy five pounds, fifteen shillings Proclamation Money, also the sum of one hundred and fifty eight pounds, one shilling and four pence like money allowance, due to the General Assembly, the Clerk, and Officers thereof, this Session be paid out of the Treasury by the Commissioners, for stamping and emitting the sum of £21350 Bills of Credit at the rate of Proclamation Money, and desire your concurrance.

Saturday April 9th 1750. In the General Assembly.

Ordered, That his Excellency the Governor be allowed the sum of one hundred pounds proclamation money for the charges he hath been at, in publick expresses and other contingencies to this Time, and that the same be paid out of the Treasury by the Commissioners for stamping and emitting the sum of £21350. and be allowed in their accounts, with the publick, and desire your Honours Concurrance.

The above Resolves, after being read, and voted in this House was sent down concurred with.

Then his Excellency the Governor came to the House and sent a Message to the lower House, commanding their immediate attendance in the Council Chamber. Whereupon the Speaker, attended by the Lower House, waited upon his Excellency in the Council Chamber. When he was pleased to give his assent to the following Bills.

The Bill for an Additional Act, to an Act, to fix a place for the seat of Government &c:

The Bill to enable the Justices of several Counties to provide certain Law Books &c:

The Bill to encourage Michael Higgins to build a Bridge over Trent River &c:

The Bill to divide the upper part of Bladen County into a County and Parish &c:

The Bill to divide the upper part of New-Hanover County, into a County and Parish &c:

The Bill for an additional Act, to an Act, for obtaining an Exact list of Taxables &c:

And the Bill for erecting a Township on the North side of Roanoke River in Northampton County &c:

Then his Excellency was pleased to prorogue the General Assembly to the fourth Tuesday in September next.

This is to certifie that the foregoing sheets contain a True Copy of the Journal of the upper House of Assembly.

Tes: JOHN DEVIS.

NORTH CAROLINA.

At a General Assembly begun, and held at Newbern, the Twelfth day of June, in the nineteenth year of the Reign of our Sovereign Lord George the second, by the Grace of God, of Great Britain, France and Ireland King Defender of the Faith &c: and in the year of our Lord One Thousand, seven Hundred, and forty six, and from thence continued by several Prorogations, and Adjournments, until Tuesday the Third day of July in the year of our Lord One Thousand, seven Hundred and fifty in the Twenty fourth year of his said Majestie's Reign being the ninth Session of this present General Assembly, and from thence continued until Thursday the fifth of this instant July, 1750.

In the upper House July 5th 1750.

Present.

The Honourable { Roger Moore. / James Hasell. / James Innis. } Esq^{re} Members.

Then His Excellency the Governour came to the House, and sent a mandate to the Lower House commanding their immediate attendance, in the Council Chamber.

Whereupon the Speaker attended by the Lower House waited upon his Excellency, when his Excellency was pleased to recommend to them, the repeal of part of a Clause in the Quit Rent Law, relating to the payment of Indigo for Quit Rents, and other matters, which he referred to their consideration, and then directed them to return and proceed upon business which they accordingly did.

Then the House adjourned until three o'clock in the afternoon.

The House met according to adjournment.

Present.

The Honourable { Mathew Rowan. James Hasell. / Roger Moore. James Innis. } Esq^rs Members.

Mr. Starkey and Mr. Swann brought up the following Bills (viz.)

A Bill to appoint a publick Treasurer in the room of Eleazar Allen deceased.

A Bill for repealing a part of a Clause, in an Act, intituled an Act for forming a Rent-Roll of all the Land holden in this Province for quieting the Inhabitants in their possessions and for directing the payment of Quit-Rents.

In the Lower House, read the said Bills, and past the first time.

Then the House adjourned 'till to-morrow morning Nine o'clock.

Friday. July 6th The House met according to adjournment.

Present.

The Honourable { Mathew Rowan James Hasell / Roger Moore James Innis / William Forbes. } Esq^rs Members.

Then the House ordered the following Bills to be read. viz:

The Bill to appoint a publick Treasurer. &c:

The Bill to repeal part of a Clause in the Quit-Rent Law.

Which were accordingly read and passed the first time.

Read the Petition of Thomas Child Esq^re and recommended to the Lower House.

Mr. Haywood and Mr. Dawson brought up the following Bills. viz:

The Bill to repeal a Clause in the Quit Rent Law. &c:

The Bill to appoint a publick Treasurer. &c:

In the Lower House read the said Bills the second time, and past with Amendments.

Then the House adjourned 'till Three o'clock in the afternoon.

The House met according to adjournment.

Present.

The Honourable { Mathew Rowan. James Hasell. / Roger Moore. James Innis. / William Forbes. } Esq^rs Members.

Read the Bill to repeal a Clause in the Quit-Rent Law &c: the second time and passed with Amendments.

Also read the Bill to appoint a publick Treasurer, the second time and passed.

Mr. Swann and Mr. Sampson Brought up the Bill for an Act for increasing the Annual Allowance given to the Attorney General for his Trouble and Expences in riding the circuits &c: In the Lower House read the first time and passed. In this House read and passed.

Then the House adjourned 'till tomorrow morning Eight o'clock.

Saturday. July 7th The House met according to adjournment.

Present.

The Honourable { Mathew Rowan. James Hasell / Roger Moore James Innis / William Forbes. } Esqrs Members.

And adjourned 'till Three o'clock in the afternoon.

The House met according to adjournment.

Present.

The Honourable { Mathew Rowan. James Hasell / Roger Moore. James Innis. / William Forbes. } Esqrs Members.

Mr. Stringer and Mr. Barrow Brought up the Bill for appointing a publick Treasurer. &c. In the Lower [House] read the third time, and passed with Amendments.

The Bill for increasing the Allowance of the Attorney General. &c: In the Lower House, read the second time and passed with Amendments.

The Bill to repeal a Clause, in the Quit-Rent Law. &c: In the Lower House read the Third time, and passed with Amendments.

The Bill, to repeal a Clause in the Quit-Rent Law. &c:

The Bill, to appoint a publick Treasurer &c:

Read the said Bills in this House the Third time, and passed.

Ordered that the same be sent down, and engrossed.

Read, the Bill, to increase the Allowance of the Attorney General, the second time, and past with Amendments.

Then the House adjourned 'till Monday morning Nine o'clock.

Monday. July 9th The House met according to adjournment.

Present.

The Honourable { Mathew Rowan. James Hasell / Roger Moore. James Innis. / William Forbes. } Esqrs Members.

Mr. Sampson and Mr. Haywood Brought up the Bill for increasing the Annual Allowance of the Attorney General &c: In the Lower

House read the third time and passed with Amendments. In this House read the Third time and past. Ordered that the same be sent down and engrossed.

Then the House adjourned 'till Three o'clock in the afternoon.

The House met according to adjournment.

Present.

The Honourable { Mathew Rowan. James Hasell / Roger Moore. James Innis. / William Forbes } Esq^rs Members.

Mr. Lovick and Mr. Dawson Brought up the following Message, together with the Estimate of the Expences of the Lower House. &c:

GENTLEMEN OF HIS MAJESTIE'S HONOURABLE COUNCIL.

We herewith send you the Estimate of the Allowances, due to the Members of this House, for this present Session, as also of the Clerk and other Officers thereunto belonging, for your concurrance, and desire you'll send that of your House, to us for ours.

To which this House were pleased to send the following Answer. viz:

MR. SPEAKER AND GENTLEMEN

We herewith send you the estimate of the Allowances due to his Majestie's Council, for the present Session, as also of our Clerk, and Officers thereto belonging for your concurrance; and have sent your's down concurred with.

Then his Excellency the Governour came to the Council Chamber, and ordered the immediate Attendance of the Lower House.

Whereupon the Speaker attended by the Lower House, waited upon his Excellency, and the Council in the Council Chamber. Then his Excellency demanded of Mr. Speaker, if he had any Bills prepared for his Assent, who acquainted him he had, and presented to him the following Bills, to wit.

An Act to appoint a publick Treasurer in the room of Eleazar Allen Esq^re deceased.

An Act for repealing part of a Clause, in an Act, intituled an Act, for forming a Rent-Roll of all the Lands holden in this Province for quieting the Inhabitants, in their Possessions, and for directing the payment of Quit-Rents.

An Act for increasing the Annual Allowance given to the Attorney General for his Trouble and Expences in riding the Circuits.

To which his Excellency was pleased to give his Assent.

Then his Excellency after making a short extempore Speech, and returning his thanks to both Houses for their services to the Publick this Sessions. Prorogued the Assembly to the last Tuesday in September next, and the same was accordingly prorogued.

North Carolina—ss.

In the Lower House, Thursday July 5th 1750.

His Excellency the Governor sent a Message to this House, commanding their immediate Attendance in the Council Chamber.

Mr. Speaker, attended by the Members of the House waited on his Excellency the Governor in the Council Chamber, when His Excellency was pleased to recommend to them the Repeal of part of a clause in the Quit-Rent Law, relating to the payment of Indigo for Quit-Rents, and other matters, which he referred to their consideration, and then directed them to return, and proceed to Business.

The House returned.

The House adjourned 'till three o'clock in the afternoon.

P. M. The House met according to adjournment.

Mr. Starkey moved for leave to bring in a Bill, to appoint a Publick Treasurer, in the room of Eleazar Allen Esqre deceased.

Ordered, that he have Leave, and that he prepare and bring in the same.

Mr. Starkey Brought in the said Bill which he read in his place.

Ordered that the same pass, and be sent to the Council.

Mr. John Swann moved for Leave to bring in a Bill, to repeal part of a Clause in an Act, intituled, an act, for forming a Rent-Roll of all the Lands, holding in this Province, and for quieting the Inhabitants in their possessions.

Ordered, that he have Leave, and that he prepare and bring in the same.

Mr. John Swann brought in the said Bill, which he read in his place.

Ordered, that the same pass, and be sent to the Council.

Sent the above two Bills to the Council, by Mr. Starkey and Mr. Swann.

The House adjourned 'till To-morrow Nine o'clock.

Fryday, July 6th 1750. The House met according to adjournment.

Received from the Council the Bill to repeal a part of a Clause, in an act, intituled, an act for forming a Rent-Roll. &c: And a Bill to appoint

a Public Treasurer in the room of Eleazar Allen Esq[re] deceased. Endorsed in the Upper House, read the first time, and passed.

By order. R. LOVET. Clerk.

Ordered, that the Bill to appoint a Public Treasurer, in the room of Eleazar Allen Esq[re] deceased. And the Bill to repeal part of a clause, in an act, intituled an act, for forming a Rent-Roll &c: be read.

Read the above Two Bills the second Time, and passed, with Amendments.

Ordered, that the same be sent to the Council.

Sent the above Two Bills to the Council by Mr. Heywood and Mr. Dawson.

Mr. Starkey one of the Commissioners for stamping and emitting the sum of Twenty one Thousand Three Hundred and Fifty Pounds at the rate of Proclamation Money acquainted this House that there were several persons in Town waiting in order to have several Bills of Credit of this Province of the old Emission exchanged for those of the new Emission, and moved that the House would direct the said Commissioners to exchange the same old Bills for the new ones.

Resolved. That the said Commissioners exchange the said old Bills for those of the new Emission.

The House adjourned till Three o'clock in the afternoon.

P. M. The House met according to adjournment.

Received from the Council the following Bills (viz.)

The Bill to repeal part of a clause in an act intituled An Act for forming a Rent-Roll &c: Endorsed in the Upper House read the second time, and passed.

By Order. R. LOVET. Clerk.

And the Bill to appoint a Public Treasurer, in the room of Eleazer Allen Esq[re] deceased; Endorsed in the Upper House read the second time and passed with Amendments. By order.

R. LOVET. Clerk.

Received from the Council the Petition of Thomas Child Esq[re] his Majesty's Attorney General of this Province, by them recommended to this House, which Petition sets forth, that the allowance to the said Attorney General for riding the Circuits is insufficient for the purposes intended by the Act, for fixing a place for the seat of Government &c: praying Releif &c:

Resolved. That a Bill be brought in, for increasing the allowance to the Attorney General, for riding the Circuits.

Mr. John Swann brought in a Bill for the Purposes aforesaid, which he read in his place.

Ordered. That the same pass, and be sent to the Council.

Sent the above Bill to the Council, by Mr. Swann and Mr. Sampson.

The House adjourned till Tomorrow morning Nine o'clock.

Saturday July 7th 1750. The House met according to adjournment.

Received from the Council the Bill for increasing the allowance given to the Attorney General, for his trouble and expence in riding the circuits. Endorsed in the Upper House, read the first time and passed.

By order. R. LOVET. Clerk.

Read the Bill to appoint a Public Treasurer in the room of Eleazer Allen Esqre deceased, the Third time and passed with amendments.

And the Bill to repeal part of a clause in an act, intituled an act for forming a Rent-Roll of all the Lands holden in this Province &c: the third time, aud passed with amendments.

Ordered. That the Bill for increasing the allowance given to the Attorney General for his trouble and expence in riding the Circuits &c: be read the second time.

The said Bill was accordingly read.

Mr. John Swann moved the said Bill may pass.

Mr. John Barrow objected thereto, and moved that the said Bill lie on the Table for consideration, to which Mr. John Swann objected, and moved that the House resolve into [a] Committee of the whole House to debate on the subject matter of the said Bill, and was seconded by Mr. Starkey.

The question being put, whether the House resolve into a Committee of the whole House, for the purposes aforesaid or not, it was carried in the affirmative.

Resolved. That the House resolve into a Committee of the whole House, to debate on the subject matters in the said Bill contained.

The House resolved into a Committee of the whole House and Mr. John Starkey was appointed Chairman. Una Voce.

After some time spent by the said Committee in debating the Matters of Controversy, regarding the said Bill, Mr. Speaker resumed the Chair. Mr. Chairman reported to the House, that the Committee had debated the several matters objected to and had resolved, that the sum of Sixteen Pounds, Thirteen Shillings and Four Pence Proclamation Money be inserted in the said Bill as an allowance for the Attorney General, for his trouble and expence in riding each circuit.

Ordered. That the same be inserted in the said Bill. The same was done accordingly.

Ordered. That the three Bills above said be sent to the Council.

Sent the above three Bills to the Council by Mr. Stringer and Mr. Barrow.

Received from the Council the following Bills (viz.)

The Bill, for increasing the allowance given to the Attorney General for his trouble and expences in riding the Circuits. Endorsed, in the Upper House read the second time and passed with Amendments.

And the Bill, to repeal part of a clause in an act, intituled An Act, for forming a Rent-Roll &c:

And the Bill to appoint a Public Treasurer in the room of Eleazer Allen Esq^{re} deceased; both Endorsed in the Upper House read the third time and passed. Ordered to be sent down and engrossed.

By order. R. LOVET. Clerk.

The House adjourned till Monday Morning Ten o'clock.

Monday July 9th 1750. The House met according to adjournment.

Ordered that the Bill, for increasing the allowance given to the Attorney-General, for his trouble and expence in riding the Circuits, be read the third time.

Read the above Bill the third time, and amended the same.

Ordered, That the same pass, with the said amendments and be sent to the Council.

Sent the same to the Council by Mr. Sampson and Mr. Haywood.

The House adjourned for half an hour.

The House met according to adjournment.

Received from the Council the Bill, for increasing the allowance given to the Attorney-General, for his trouble and Expence in riding the circuits. Endorsed, in the Upper House, read the Third Time and passed.

By order. R. LOVET, Clerk.

Ordered to be sent down and engrossed

The House adjourned till Three o'clock in the afternoon.

P. M. The House met according to adjournment.

His Excellency the Governor sent a message to this House commanding their immediate attendance in the Council Chamber, with what Bills were engrossed.

The House in a full Body, waited on his Excellency the Governor, in the Council Chamber, when Mr. Speaker presented the following Bills, for his Excellency's assent, viz:

The Bill for appointing a Public Treasurer, in the room of Eleazer Allen Esq^re^ deceased.

The Bill to repeal part of a clause, in an act intituled, an act for forming a Rent-Roll of all the Lands holden in this Province &c:

And the Bill for increasing the allowance given to the Attorney General for his trouble and expence in riding the Circuits.

To all which said three Bills his Excellency was pleased to assent.

Then his Excellency after returning the House his hearty thanks for their dispatch of the public business commanded them to return to their House.

Mr. Speaker with the House returned.

Ordered, That the following Message be sent to the Council viz.

GENTLEMEN OF HIS MAJESTIES HONOURABLE COUNCIL

We herewith send you the estimate of the allowances due to the members of this House, for this present Session as also of the Clerk and Officers thereto, for your Concurrence, and desire that you will send that of your House to us, for ours.

Sent the above Message to the Council by Mr. Lovick and Mr. Dawson.

Mr. Dawson presented to this House a Certificate for the County Court of Northampton thereby certifying that Silvester Eastage is of mean Circumstances: and thereby rendered incapable of getting his living doing Public duties and paying Public Taxes.

Ordered, That he be exempt from doing Public Duties, and paying Public Levies.

Mr. Dawson also produced to this House a Certificate from the County Court of Northampton thereby certifying that Joshua Stap is old and decripped and not able to get his Livelihood, or to pay Taxes and do Public Duties.

Ordered, That he be exempt from doing Public Duties, and paying Public Taxes.

Received from the Council the following Message viz.

MR. SPEAKER AND GENTLEMEN.

We herewith send you the Estimate of the allowances due to the Members of Council for this present Session as also the Clerk and Officers thereto, for your Concurrence and send yours, concurred with.

Sent the Council the Estimate of their Allowances this Session, by this House concurred to.

The House adjourned till to-morrow Eight o'Clock.

Tuesday July 10th 1750. The House met according to adjournment. His Excellency the Governor was pleased to prorogue this Assembly, to the last Tuesday in September next.

An account of the present paper Currency its present Value in Sterling money and how much thereof hath been sunk.

£21350.0.0 Proc'l Money of publick Bills of Credit Emitted by an Act Passed the 4th of Aprill 1747 Equal to £16012.10.0 Sterling Money

£189.13.3 Proc'l Money Burnt Aprill 14th 1749

£513.12.0 Proc'l Money Burnt Aprill 6th 1750

Total sum sunk £703.5.3 Proc'l Money. Equal to £527.9.0 Sterling Money

£20646.14.0 Proc'l Money yet circulating Equal to £15.485.1.0 Sterling Money

£21350.0.0 Proc'l Money. £16012.10.00 Sterling Money.

These Bills have supported the value they were Emitted at to this day September the 29th 1750.

The above is a Copy of the State of the Currency which was sent to the agent this year 1750

1751.

[B. P. R. O. North Carolina. B. T. Vol. 12. C. 9.]

Sir [Secretary of Board of Trade]

In Answer to yours of the 19th of July I beg the favour of you to inform the Right Honble the Lords Commissioners for Trade & Plantations that the Province of North Carolina is bounded on the South by the Atlantick Ocean, on the Southwest by South Carolina, on the west by the Mississippi and the Appalacho mountains and on the North and East by Virginia, Inhabitants flock in here daily, mostly from Pensilvania and other parts of America, who are overstocked with people and some directly from Europe, they commonly seat themselves towards the west and have got near the mountains. I am sorry I cannot transmitt any other map of this Province than that of the late Colonel Moseley's of which there is one in your Office. It is very deficient, especially in the back settle-

ments, many thousand persons having sat down there since that map was published. In October 1749. the line between the northern part of this Province now in possession of the Earl of Granville and Virginia was carried nearly one [hundred] mile more to westward and almost quite across the mountains, It was done with great care and exactness and it is believed that ten miles further would have carried them to the other side, But the excessive severity of the weather and want of food for their Horses obliged them to return, they crossed a large branch of the Mississippi which runs between the ledges of the mountains and nobody ever dreamt of before, I have sent a draught of this Line for their Lordships view, I know of no foreign settlement near this Colony

I am Sir Yours, &c., GAB: JOHNSTON.

Edenton February 15th 175$\frac{0}{1}$

[B. P. R. O. Am: & W. Ind: Vol. 66.]

My Lord [Duke of Bedford]

I Have lately Had the Honour of Your Grace's Commands of the fourth of August, by which His Majesties pleasure is signified that I should give publick notice to all His trading Subjects in this province, of His Catholick Majestys General Order to all His Governors, to make restitution of all English prizes taken since the ninth of August 1748.

I Have likewise Received An Authenticated Copy of the said Order with a translation of the same In Consequence of which I have Issued a proclamation giving notice of the premisses, and ordered it to be offered in the most publick place in Every town of this province, and I shall take care to assist to the uttermost of my power all His Majesties Subjects who may have any Claim on this occasion.

I am your Grace's most, &c., GAB JOHNSTON

Edenton March 12 1750

[B. P. R. O. North Carolina. B. T. Vol. 12. C. 11.]

Edenton 3d Septr 1751.

My Lords [of the Board of Trade]

I transmitt along with this the minutes of Council which was held last March. In a few days I sett out for Newbern to hold an Assembly there but am much at a loss where to find Members for an Upper House.

There has been such a mortality among the Gentlemen of the Council for these three years past, that there remains only two of the original number.

I have from time to time certified to your Lordships the names of the persons I have been obliged to appoint to make up the number of the Council seven, they all promised me to apply for a mandamus without loss of time, but am to find none of them has hitherto been as good as his word I now propose two Gentlemen John Dawson and James Craven Esq^res^ who, if your Lordships think proper to recommend them, will immediately take out their Commissions.

I am, with great respect, &c., GAB. JOHNSTON.

[B. P. R. O. North Carolina. B. T. Vol. 12. C. 12.]

Edenton 16^th^ Sept^r^ 1751.

Sir, [Secretary of the Board of Trade]

Yesterday I received yours of the 12^th^ of April in which by directions from the Right Hon^ble^ the Lords Comm^rs^ for Trade and Plantations, you inform me that no minutes of *Council* or *Assembly* from this Province have been sent since December 1746, which I am really surprised to hear, for I myself have regularly transmitted under the Colony Seal the minutes of His Majestie's Council of State, that of the last Council, which was held in April last I sent by a very safe road, but a fortnight ago. As for the Minutes of *Council* considered as an *Upper House* the Clerks assure me they have been transmitted regularly, But I shall make a strict enquiry into that very soon, I am entirely a stranger to the *Naval Office* ever since it was taken out of my hands and bestowed on Mr. Wheatley, that gentleman never has taken any notice of me since he was invested in his Office, and it is by mere chance that I hear of any vessells going out or coming into this Country. As to the Treasurers accounts I believe there never was any sent home from this Country either before my coming to the Government or since, but I shall take care they shall be sent for the future; and endeavour to recover what is past as far as is possible in a Province where there is not one Publick Office, nor one place to keep any record or Publick Papers, they all lye disperst in private Houses and we must often send a hundred miles for a Paper that is wanted, as long as these points are unknown at home it is a wonder to me we have been able to observe any regularity at all or indeed to keep up the face of Government, we shall not be

able to do so long, but must disband of course, five years is a long time for such a wild uncivilized Country as this to be kept in suspense on matters so essential to the very being of Government.

I am sure I and the rest of His Majesty's Officers have had a very severe time of it to be kept out of our Salarys so long is a great hardship. But to be deprived of the Countenance & protection of the Offices at home is really unsupportable, and we dont want here malicious people who make a proper use of it to bring His Majesty's Government into contempt.

I have materials by me for answering the anuual queries, and shall take care to do it, as soon as I recover a little health, having been but in a lingering way for a good while past.

I am Sir, &c., GAB. JOHNSTON.

[B. P. R. O. North Carolina. B. T. Vol. 11. B. 89.]

McCULLOH vs. GOV. JOHNSTON—LAND GRANTS, &c.

The Humble Memorial of Henry M^{c}Culloh. [to the Board of Trade] Sheweth,

That His Majesty by his Commission bearing date 10th May 1739, was graciously pleased to appoint your Memorialist Commissioner for supervising, Inspecting and Comptrolling the Revenues and Grants of Lands, in the Provinces of South and North Carolina, with full power and authority to Inspect into the Registers and Records and upon all occasions to send to your Lordships a particular Account of your Memorialist's proceedings, together with such Informations and Observations as your Memorialist should judge necessary for his Majesty's service, and in Obedience thereto your Memorialist begs leave most humbly to represent

That His Majesty by his order in Council bearing Date 14th August 1740. Signified his Royal Will and Pleasure to the Governor of North Carolina, that all Persons petitioning for Lands should previous to their obtaining a Warrant, prove their Rights before the Governor in Council, that if the Lands so petitioned for are allowed, the warrants be thereupon drawn up, and signed by the Governor in Council, & made returnable in Twelve months from the date thereof, that a particular description of the Lands so petitioned for, be incerted in the Warrants, that before the Warrants should be delivered to the Surveyor, a Docket

thereof be entered in the Auditors Office, and that in Default of any of the said Particulars being observed, the said Warrants should be void.

And further that when Grants should be made out agreable to the Directions given in the foregoing Instruction, the Terms and Conditions of which the Warrants issued, and the Lands were surveyed should be particularly and expressly mentioned in the respective Grants, or that in Default thereof such Grants should be void.

That Governor Johnston did not conform to the Directions given by His Majestys said Order, but in most Instances issued Warrants in the same irregular and loose manner which he had formerly practised And as it often happened that there were no Dockets or Copies of the Warrants entred with the Deputy Auditor so it could not appear whether the Warrants had not been originally issued with Blanks, to be filled up at the pleasure of the Warrantee, or that any particular Description of the Lands had been incerted in the Warrants previous to the survey for preventing Encroachments upon others.

And in issuing Grants, the Governor did not take care to have the Terms and Conditions on which the Warrants issued, and the Lands were surveyed particularly and expressly mentioned in the Respective Grants, which wholly broke in upon all those necessary Gards and Provisions, which the Crown had wisely Constituted for preserving Order and regularity in the Records.

That your Memorialist being instructed by His Majesty to take the most Effectual Measure for carrying into Execution all His Majesties Instructions relating to the Revenue of the Quit Rents, Thought it his Duty to represent to the Governor the many ill Consequences which would attend his continuing to issue Warrants and Grants in the said loose manner, and therefore prayed him not to issue Warrants for the Future to any Person who did not bring Vouchers from the Receiver General, of having paid all the Quit Rents due upon such Lands as they held by Grant from the Crown, and if this good method had been observed, it is humbly conceived that it would have had the desired Effect by regulating the Records and improving the Revenue of the Quit Rents.

That your Memorialist finding the Governor did not alter his former Method of issuing Warrants and Grants, directed the Deputy Auditor carefully to observe whether any Blank Warrants and Grants were signed by the Governor and afterwards disposed of, and accordingly the Deputy Auditor having seen in Mr. Griffiths room several Blank Grants signed by the Governor gave notice thereof to your Memorialist, who being much surprised at so extraordinary Proceeding in the Governor which

must be attended with many fatal Consequences particularly by unhinging the property of the Subject, and also introducing an infinite number of Disputes, told the same to the Governor who did not censure the said Griffith nor alter his former Method of issuing Warrants & Grants.

That your Memorialist having likewise observed that the Receiver had not regularly accompted for the Quit Rents nor produced Vouchers for the payments said to have been made by him, did after often expostulating with him on that head without any satisfaction or effect in pursuance of his Majesties Instructions, order the Attorney General to apply to the Governor for the Bond; which was given by the Receiver for the faithful execution of his office, in order to prosecute the same.

That the Governor delayed to give any answer until he met his Council in June 1746, when having asked the Advice of four Members of the Council (three of whom were parties to the said Bond) they publickly censured the Attorney General for so demanding the said Bond.

That the Receiver General at the same time moved the Council that your Memorialist should be called upon to Answer to that Board for charging him with not having done his Duty, by regularly accompting for the Quit Rents, and insisted that as he had sworn to the truth of his Accounts, so any such charge from the Commissioner of the Quit Rents was accusing him of Perjury.

That your Memorialist finding that the Intention of the Receiver and likewise of the Governor in so calling him before the Council, and in taking Cognizance of a matter which did not properly lye before the Board, was with a view first to censure him and afterwards to declare it as their opinion, that the said Charge against the Receiver was indirectly or consequentially accusing him of perjury upon which the Receiver was to take out an Action of Defamation for £10,000 Sterl: against your Memorialist in order to prevent him from returning to England, did thereupon to defeat their said Intentions put in a Plea to the jurisdiction of the Board, humbly insisting that he had acted agreable to the Duty of his office as Commissioner, And that the Receiver ought not only to swear to the Truth of his Accounts, but also to give in a specifick Account of the Receipt of the Quit Rents, and to produce vouchers for the Payments said to be made by him, and therefore prayed the Governor in Council, to enter the said Plea, in order that their Proceedings might be brought before his Majesty in Council, which (as your Memorialist is informed) was not hitherto done.

That his Majesty having by his 43rd Instruction to the Governor of South Carolina directed that several Townships amounting to 1,600,000 Acres & upwards in the Province of South Carolina, should be wholly

set apart for the reception of Foreign Protestants & others inclined to settle on the back parts of said Colony, and that they should be Intituled to an Exemption of Quit Rents for Ten Years from the date of their respective Settlements. Murray Crymble, Js. Huey, and several other Persons Associates with them did by their Petition to His Majᵗʸ humbly pray that several Tracts of Land, amounting to 1,200,000 Acres might be set apart for the reception of Foreign Protestants and others, upon the heads of Pedee, Cape Fear and Nues Rivers in North Carolina, and that if his Majesty would be graciously pleased to permit them to have Grants of the said Lands with an Exemption of Quit Rents for Ten Years from the Date of their Respective Grants, that the said Petitioners would in consideration thereof not only pay the Legal Fees for surveying the said Lands and passing the Grants, but also settle thereon at their own Charge six Thousand white Persons within the space of Ten years from the date of their Grants, or that on failure thereof such Proportions of the Lands as were not so settled should revert to the Crown.

That His Majesty being graciously pleased to grant the request of the said Petitioners, ordered surveys to be made out, and Grants to be issued Accordingly.

That when His Majesty's order in Council was transmitted to the said Governor he made an Agreement with the Surveyor General, that one half of his Fees should be paid into the hands of Captain Samuel Woodard, upon which the Surveyor went and run the outlines of the survey & demanded the same Fees as if he had run out the inner Lines of the said survey, and set apart the respective Shares of the said Associates, And the Governor likewise insisted that if the Surveyors Demands were not satisfied, he would not issue the Grants, & further that the Grantees should pay the Governours and Secretarys Fees in the same proportion, as the poorer sort of people paid for small Tracts, which according to the Secretary's Calculation would amount to many Thousand Pounds Sterling.

That the Grantees having absolutely refused to comply with the said unreasonable demands, and the Surveyor finding that your Memorialist was an Associate did at the Instance of the said Govʳ and other officers take out an Action against your Memorialist for £1500 sterlᵍ and upwards for running the out Lines of the Survey only, to which Action your Memorialist could not procure any Bail, and therefore was forced to remain in the hands of the Sheriff for Fifteen Months and upwards.

That when the said Action came to be Tryed before Enoch Hall the Chief Justice he not only acted in a manner very unbecoming his station & Character (as he did in many other Cases) but would not permit your

Memorialist to read in Court any of the Governours Letters which would fully clear up the matter in Dispute, and moreover although he denied to the Defendant that Act of Justice yet he allowed to Samuel Johnston the Governor's brother to give Evidence to the Postscript of a Letter said to be written by your Memorialist to the Governor without producing the Letter in Court or even alledging that it was lost, but notwithstanding the great partiality of that Judge, and that your Memorialist had been particularly marked out as a sacrifice intended by the Governor, it pleased God so to dispose and move the Hearts of the Jury as to find a Verdict for your Memorialist.

That after the said Trial was over the Surveyor offered to take less than one Third part of his former Demand and the other officers also moderated their Demands in proportion, so that there was no longer any obstacle to the issuing of the Grants, wherefore your Memorialist applying to the Governour, and having paid the Fees the Grants were made out agreable to the Directions given by his Majesty on that head.

That the Governor hath not only exerted himself to oppress your Memorialist, but in a very Illegal and arbitrary manner, proceeded against several others who were obnoxious to him, or any of his Dependants by often granting Letters of Administration Illegally, and revoking other Letters of Administration without issuing any Legal Process previous thereto as by Law required, And also by frequently granting Injunctions contrary to all Rules and Forms of Law, and then by not holding Courts of Chancery for several years, he hath debarred the Parties from all Remedies at Law or in Equity.

That the Governor not only acted so arbitrarily in relation to the Granting of Injunctions, but in the Case of Cap^{t} Lethgow interposed his authority by preventing him from having Nathaniel Rice & Roger Moore Esq^{rs} tried upon an Indictment for their forcibly taking the said Lethgow out of a ship, and afterwards confining him, without any Legal Warrant for so doing.

That altho' the Governor had repeated Orders not to pass any Act for Emitting Paper Bills of Credit without first incerting a suspending Clause, yet he in contempt of said Orders gave his Assent to an Act of Assembly for Emitting Twenty One Thousand Pounds proclamation and upwards, one Thousand Pounds whereof are to be applyed to his own private use, and although the Governor & Council plead the necessity of their Affairs for so doing, yet it is very Evident that they neither had proper Judges to direct the Building of Forts, nor when built any Ordnance to put into them.

That although the Governor by His Instructions ought not to pass any Quit Rent Law wherein the property of the Crown is so much concerned without inserting a suspending Clause therein, yet he lately gave his Assent to a Quit Rent Law, contrary to his said Instructions.

That your Memorialist begs leave further to Represent, that Governor Johnston often exerted his Authority by preventing such matters as came before the Council from being regularly entered on the Records, and that for many years past he did not transmitt the Records to your Lordships, and also granted Commissions to several officers of the Militia without ordering the usual Oaths to be tendered to them, and moreover was much wanting in his Duty by not ordering Publick rejoicings upon Advice of the most happy Defeat of the Rebels at Culloden.

Wherefore your Memorialist most humbly prays your Lordships that, as the said several Matters complained of are of great Importance, and nearly relate as well to the Crown as to the Property and safety of His Majesties Subjects in the said Colony, the same may be examined and Considered, and that your Lordships will be pleased out of your great Wisdom and Justice to Grant such relief therein as the Nature and Circumstances of the Case may require.

And your Memorialist shall ever pray. etc.

HENRY M^{c}CULLOH.

Recd: June 8th 1749.

Sir, [Gov. Gab. Johnston]

A Memorial having been presented to my Lords Commiss^{rs} for Trade & Plantations by Mr. M^{c}Culloh Commiss^{r} for inspecting supervising and comptrolling His Maj. revenues and Grants of lands in the Provinces of South and North Carolina complaining of his having received much injustice and been greatly discountenanced and oppressed in the execution of this Office by you & other Officers in the government and also charging you with maladministration I am directed by their Lordships to send you the inclosed copy of the said Memorial for your Answer thereto.

And that their Lordships may be fully informed they expect that you should return to them such depositions and proofs in your own behalf as you shall think convenient giving at the same time full liberty to Mr. M^{c}Culloh or any other person concerned to make Affidavits before any Judge or other Magistrate of what they know concerning the subject matter of the said complaint & that such Judge or other Magistrate be likewise enjoined to summon such persons as the Complainant or any other in his behalf shall name.

That the Secretary be likewise enjoined to give copies from the Records of any papers which may be required by the Complainant or any others concerned And if it should so happen that the Records should be deficient in any matter required by him or them then that the Secretary be further enjoined to give evidence upon oath touching such defect.

That you and the Complainant or other person or persons do interchange the said Proofs and Depositions so soon as the same shall be made and that twenty days be allowed as well for yourself as the Complainant or other persons concerned to make your or their reply by affidavit or otherwise to be in like manner interchanged and afterwards certified & transmitted to my Lords Comm^{rs} under the seal of the Province without loss of time that their Lordships may be enabled to make a Report to His Majesty on the true state of this affair.

I am, Sir, &c., THOS. HILL.

Whitehall July 14th 1749.

EDENTON. April 16th 1750.

SIR, [SECRETARY OF BOARD OF TRADE]

I have sent along with this my Answer to the Memorial of Henry M^{c}Culloh which was not served upon me until the 7th of March last, together with the proper Vouchers. As there are several general charges in the Memorial the particulars of which I cannot easily guess, until I am served with a Copy of their proofs, I shall take care to send a full answer to them, as soon as they come to my knowledge. The preceding year proved but very indifferent for producing of Indigo and there was but a very small quantity raised in this province, the particulars of which I have sett down in the next page.

I am, &c., GAB. JOHNSTON.

To the Right Honourable The Lords Commissioners of Trade and Plantations

The answer of Gabriel Johnston Esq^{re} Governor of North Carolina to the Memorial of Henry M^{c}Culloh.

The Governor acknowledges that he has seen a Commission under the Great Seal to Henry M^{c}Culloh appointing him Commissioner and Comptroller of the Quit Rents with a Power to call for the Title Deeds of every person in South and North Carolina holding Lands under the Crown, or the late Lord Proprietors, and after having examined them to certify them By which the Titles should be confirmed and the Possessor of them freed from any further troubles forever. And this seems to have

been the Memorialists Chief view in soliciting such a Commission, by which he flattered himself he should be able to raise vast Contributions on every person holding land in either South or North Carolina But when he found that the people paid no manner of regard to this uncommon Clause, the Governor never heard nor understood that the Memorialist took one step or did any one act in consequence of His Commission until the year 1746, when he demanded Mr. Allens Bond of which a particular account shall be given in the sequel of this Answer.

The Governor further acknowledges that he has seen N° 15 & 16 of his Instructions and the memorial and thō he and every Body else was sensible that the Memorialist had procured them by false suggestions in order to throw Incumbrances in the way of Peoples taking up lands from the Crown and to lay them under a necessity of purchasing some of the One Million Two Hundred Thousand Acres of Land engrossed by him. Yet the said Governor absolutely denies that he has been guilty of any breach of them

The Memorialist all along takes it for granted that everything related to his Majesties Lands was in great confusion and disorder before his arrival but this is a fact that will never be allowed by any person who knows the state of the Country. From the first granting of Lands under the King the Warrants and Grants were always recorded in the Secretarys Office and a Doquet of the Latter in the Auditors Office, and the situation and the Bounds always distinctly set down both in Warrants and Grants it was not indeed before his time thought necessary to enter a Doquet of Warrants in the Auditors Office as it was only a preparatory step to taking out a Grant, and several people take out Warrants who never afterwards apply for Grants but since his Majesty was pleased to command it whatever the Memorialist may please to assert no Body since that time gets Warrants without proving their Rights they do not indeed always swear to them before the Council because it was found impracticable to swear such a number there without neglecting every other Business and impossible to know whether persons living at such a distance swore to the truth or a falsehood it was therefore judged necessary to allow them to swear to their Rights before the Courts of their respective Counties where they could more conveniently attend and the number of their Familys be more easily known and this practice if it is not exactly according to the Letter it is certainly within the Intention of the Royal Order it does not indeed answer quite so well the Design of the Memorialist Because if people were obliged to travel 150 or 200 miles twice or thrice before they could take up Lands under the Crown they might be tempted rather to purchase some of his vast tract than put

themselves to so much trouble and expence. When the Clerks of the County Courts return the names of the persons who have proved their Rights with the number of their Families to the Secretarys Office, then and not till then he prepares a Petition for a Warrant in which he always certifies that they have proved their Rights and prays an order to survey such a piece of Land particularly discribed, this is the constant practice, if a Doquet of this Warrant is sometimes not entered in the Auditors Office the Governor can never be blamed for it, it is impossible for him to follow every person to the Auditor or Surveyor to attend to his Book when Grants are petitioned for, and if he finds any person applying who has not entered a Doquet of his Warrant in his Office to stop his Grant which would never be refused, what is meant by the Memorialist when he complains that the Terms and conditions of the Warrants are not particularly expressed is very hard to understand, the Terms and conditions on which the Warrants are granted can be no other than the number of Persons of which the Petitioners Family consists. The Terms and conditions on which Grants are issued are these First that a Doquet of the Grant shall be recorded in the Auditors Office in six months, Secondly that the Grantee shall cultivate three acres of every hundred in three years and Thirdly that he shall pay yearly four shillings Proclamation money for every hundred acres to the receiver and I can't think anybody will deny these are always particularly and expressly mentioned It would be indeed a piece of injustice to the Governor in Council not to observe that their method of granting Lands from the beginning both before and after the Memorialists arrival has been so cautious regular and equitable that there has not one Law suit been occasioned by their proceedings during that long period which is a pretty strong Proof that matters have not been managed in that loose disorderly manner as the Memorialist would represent them.

The Governor denies that the Memorialist did ever desire him to stop all Grants to persons already possessed of Lands, who were in arrears for their Quit rents he is positive he could not have forgot if such a proposal had been once made to him it is so reasonable in itself that he is sure he would have readily come into it, as he did when it was afterwards moved for by the late Receiver General and it is now a standing order of Council.

The Memorialist is pleased to insinuate in several places that Blanks are left by the Governor to be filled up at the pleasure of the Persons petitioning for lands. This assertion is very remote from Truth, the said Governor never since he has been in the Government which is now sixteen Years trusted any person with a Blank Grant [but] once, and but

once when he was called away on a sudden by an extraordinary Emergency He left a few Grants with the Dates and names of the persons not filled up at the Office with his Secretary with a strict charge to see them properly filled up.

The Memorialist has given a very wrong account of the affair relating to Mr. Allens Bond of which the following is a true and impartial relation.

The Memorialist has taken Great Liberties with Mr. Allens character and laid gross things to his charge Mr. Allen complained in April 1745 of this usage to the Governor in Council and desired the Memorialist might be called upon to prove his allegations, and that he might have justice done him in case of his failing so to do. This was too reasonable a request to be denyed a Member of his Majesties Council, accordingly the Secretary was ordered to write to the Memorialist and acquaint him with Mr. Allen's complaint and desire his attendance next Council, instead of complying with this in June 1746 he sent by his attorney a long tedious paper which he called a Declinature of their Jurisdiction, and demanding Mr. Allens Bond which demand as it was the only act he did in consequence of his Commission during his six years residence in the Province so it seems to have taken its rise entirely from a desire of evading to give answer to a charge of gross Calumny and defamation against a Member of Council In what passed afterwards the Governor was entirely guided by the opinion of the Council which then consisted of six persons and not of four only as is suggested by the Memorialist One thing he was well assured of the Bond would not have been denied him the Moment he as Comptroller had commenced suit against the Receiver but he never did take any step to sue him, as to the taking out an action of Ten Thousand Pounds against the Memorialist to prevent his going to England the Governor looks upon it to be a meer Chimere which never entered into any Bodys head but his own.

His Account of the Grant of one Million Two Hundred Thousand acres of Land is a shameful misrepresentation of matter of fact from beginning to end. He wants to put the Grant of this excessive Quantity of Land on the same footing with that of one Million Six Hundred Thousand acres granted by the Royal Instruction to the Government of South Carolina for the settlement of Forreign Protestants and for which the Assembly of that Province raised the necessary sums for carrying it into Execution. Whereas his was a private Jobb of his own and a great imposition upon his Majesty in Council as will appear by an original paper recorded in the Secretarys office of this Province hereunto annexed by which it is plain that the property of that whole exorbitant

quantity of Land is entirely vested in him tho he can't pretend to any Estate sufficient to make a tolerable settlement on it and his engrossing of it is a great Impediment to the peopling of this County. He has himself in person and by his Agents been Hawking it about in small quantities thrō all the back parts of the Province and quite thrō America even to Boston. This is a very different case from the settlement in South Carolina.

The Governor absolutely denies that he made any stipulation with the Surveyor General about the survey of that Land in favour of Mr. Woodward or any Body else but sent him the order of Council for that purpose without any other injunction besides recommending to him to find out the best Land he could for the Memorialist. He likewise denies that he knew anything of or was in the least concerned in the suit which the surveyor General commenced against the Memorialist for his legal Fees and looks upon it as a bare and groundless reflection to insinuate that he had, when he first heard of it he brought them together and took great pains to bring them to a good understanding. But after he found by their animosity against one another there was no hopes of reconcilling them, he never directly nor indirectly troubled himself about it. But left it to the course of the Law.

The Memorialist by mentioning he was in the custody of the Sheriff for Fifteen months wants to have it believed that he was under confinement all that time thinking that may prove some excuse for doing nothing in consequence of his Commission But it is well know[n] he was not one day under confinement and went from one end of the Province to the other without any officer to attend him during that time.

As the Governor never did exert himself to oppress the Memorialist so he absolutely denies that he either granted or revoked letters of administration in any illegal or arbitrary manner or that he ever granted Injunctions contrary to all rules and forms of Law and when the Memorialist thinks fit to mention any particular case he does not doubt to give a satisfactory account.

That for ten years after the Governor came in there were no courts of Chancery regularly held is certainly true, but that can be no crime in him, by the Laws of the Country the Court of Chancery was to sit at three different times, and immediately after the General Court, at Edenton on the Borders of Virginia. The Members of Council all but two lived at Cape Fear joyning to South Carolina, and two hundred miles from Edenton. The Governor did attend three or four Courts but he could not compel the majority of the Council to leave their Business and Plantations three times every year and travel backwards and forwards

Twelve hundred miles when they had neither fee Salary nor reward for so doing. As this was matter of great concern to the Governor so it was one of the Principal Inducements with him to give his assent to that Law passed at Wilmington for fixing the General Court at Newbern in the centre of the Province, since which the Courts of Chancery and other Courts have been held with the greatest regularity Thō the passing that just and necessary Law gave the Memorialist and his Agents a Handle to raise great disturbances and commotions among the people for some time.

In the case of Lithgow when the Governor was applied to by Mess^{rs} Rice and Moore he absolutely refused to meddle at all with that affair until the Attorney General came into Council and declared that a Nole Prosequi was a thing of course in such cases and if the Governor scrupled it he as Attorney General would grant one.

As to the affair of the paper currency the Governor has nothing to add to his letter to your Lordships on that subject last summer, only as to the Memorialist assertion that there is no ordnance planted on the Batterys of that Fort, it is false for there are four pieces of cannon planted there and application has been making for these two years past to his Majesty for a compleat set of ordnance which we hope soon to obtain.

The last article of his complaint as it consists only of general assertions the Governor will take no notice of until he enters into particulars he accuses him of not ordering rejoiceing thrō the Province on occasion of his Royal Highnesses victory over the Rebels at Colledon It is very true he did not nor more did any Governor in America at that or any other time. He was then at his Plantation about one Hundred Miles from the seat of Government and very lukily had at his House the Chief Justice of the Province and two Captains of the army Mess^{rs} Hodgson and Nelson who were daily Witnesses of his service and frequent wishes for good success to his Royal Highness before we heard the news of his glorious Victory and of his real and unfeigned joy when he was assured of it. But this is only a sequel to the many attempts he has made to represent the Governor under the base and vile character of a Jacobite and having turned out the poor Palatines from their Lands to make room for Scotch Rebels. Having now given a full and distinct answer to this Tedious and perplexed complaint in which the Memorialist has collected all the facts during an Administration of sixteen years which malice itself or the worst of his enemies could represent and put a wrong construction upon he hopes your Lordships will be so good as to indulge him in making a few observations on the state of this Colony.

That no other Governor in America had such difficulties and discouragements to struggle with as he had chiefly occasioned by the unequal representation of the Lower House of Assembly in which the Members for six Counties had it in their Power and actually did defeat and disappoint for twelve years together all the measures of the Governor Council and the Members for the other eleven Counties.

That since the year 1746 in which the Assembly at Wilmington was held there has been a more sure and perfect foundation laid for the future peace and Tranquility of the Province by the many good Laws which have been passed than ever was before since the Country was settled The only considerable grievance yet remaining is the vast load of arrears of Quit rents due to the King and Earl Granville and even this is in a fair way to be remedied by a Law passed for that purpose but it is certainly an inquiry well worth making How so great an arrear came to be due It is highly impossible that the Governor if he could by any means prevented it would have suffered his Sallary to run in arrear almost Twelve Thousand Pounds sterling, nor is it natural to imagine that the Receiver thō he has been so much exclaimed against on that account would have lost ten per cent for so large a sum as might have been collected if he could have helped it. The true reason my Lords why neither Governor nor receiver could ever yet make any tolerable collections was the want of a Rent Roll the Question then returns why were not effectual Measures taken to procure a Rent Roll My Lords there was a most full and ample Clause for that purpose in a Law we after a four years struggle passed in 1739. But there were it seems some other unhappy Clauses in it which induced his Majesty to repeal it before it had opperated so far as to obtain any tolerable Rent Roll as was allowed to a Law for that purpose in South Carolina thō far enough from being agreeable to the Crown in other respects. That this Law was repealed so speedily and before the province had a hearing is by every body imputed to the gross misrepresentation and false assertions of the memorialist and his undertakings to put this part of his Majesties Revenue on a better footing than could possibly be done by this Act. This My Lords accompts for the want of a Rent Roll until the year 1741, The remarkable æra of the Memorialists appearance in North Carolina, that he might begin his undertaking to the best advantage he prevailed upon the Auditor General to appoint for a Deputy a Nephew of his from Ireland and who was to be entirely under his Direction and who it is well known here never takes one step without his direction and who even refused the Officers Deventures for their Sallerys without giving one reason for it except this that his Uncle had given him no orders about it now it is

the known duty of the Deputy Auditor after every sitting of the Governor and Council to grant lands which is twice a year if not oftener to give the Receiver fresh and additional Rent Roll, and charge him with the rents thence accruing, But so it is that during the Memorialist six years residence here he never once allowed him to give an additional Rent Roll; as the chief reason given in the Preamble of the Commission appointing the Memorialist Commissioner and Comptroller of the Quit Rents was the careless and irregular conduct of the Governor and other officers, The Governor thought it but prudence not at all to interfere with him But to leave the whole affair to his management But immediately after his departure for England in summer 1747, He expostulated very sharply with the Deputy Auditor upon this head and laid his commands upon him to supply the former defects and to be more punctual for the future But it was all to no purpose for he either could not, or would not do it, until last summer he gave in a few loose papers unsigned and so vastly unconnected that it was impossible for the Receiver to make any use of them and that in nine years that is since the Memorialists first appearence here; there is above half a Million of acres with which the Deputy Auditor has never charged the Receiver and which his Uncle and Director is entirely to be blamed for It always appeared very strange to the Governor that the Memorialist who is so mighty zealous about proving Rights and entering Warrants and several other small things should suffer so essential so absolutely necessary a matter to be neglected by an officer of his own recommendation and always acting under his eye There is no accounting for it, but one way and that is he thought it was his Interest to keep this Branch of the Revenue which was immediately under his inspection in confusion in order to make the continuance of this commission seem necessary at home.

The Governor begs leave to assure your Lordships that as it has always been his study to preserve Harmony and good agreement among all his Majesties Officers so in particular endeavoured to keep up a good understanding with the Memorialist But soon found that unless he would make all publick Measures The Settlement of the Country and his Instructions subservient to his little schemes for jobbing his Lands there was no avoiding his malice and detraction he has further the pleasure to assure your Lordships that there now wants nothing to the settling this Province in perfect peace and tranquility But his Majestie's determination of the points now in dispute Thō the memorialist and his open avowed agents have done all in their power to excite the people to a Rebellion, and would certainly have succeeded if things had not been managed with great temper and moderation.

The Memorialist in particular has used all methods to keep matters from coming to a speedy issue of which his very memorial is a plain Instance for thō it was presented to your Lordships on the fourteenth of July it was not sent from London until the middle of November nor served upon the Governor until the Seventh of March last otherwise he would have put in an answer to your Honourable Board before last Christmas But that would not have agreed with the Memorialists views of heaping up a flame in this Country.

All which is humbly submitted, &c., GAB: JOHNSTON.

Rec^{d} June y^{e} 27th 1750.

The following sheets contain the several proofs and Vouchers to the answer of His Excellency Gabriel Johnston Esq^{re} Governor &c. of North Carolina to the Memorial of Henry M^{c}Culloh Esq^{re} presented to the right honorable the Lords Commissioners of Trade and Plantations.

North Carolina

Personally appeared before me James Hasell Esq^{re} Chief Justice of the said Province John Rice Gent. Deputy Secretary who being duly sworn on the Holy Evangelists of Almighty God Deposeth and saith that all Petitions that have been drawn by this Deponent for Warrants for Land and preferred by him to the Council from September Court 1741. to this day have been to the best of his knowledge in and agreable to the forms of the two several Petitions hereunto annexed. And further this Deponent saith that the two Papers purporting Instructions relating to land and now shewn to this Deponent N. 1—2. are the only Instructions to this Deponent's knowledge that are recorded in the Secretary's Office at Newbern And further this Deponent saith not.

JN^{o} RICE

Sworn before me the 5th of April 1750.

Jas. Hasell C. J.

To His Excellency the Governor in Council

The Humble Petition of William Person Sheweth

That he hath proved his Rights. Wherefore he humbly prays a warrant for 350 acres of Land to be laid out in the County of Edgcomb joining his Plantation on Stone House Creek for the Complement. And as in duty bound shall ever pray &c.

Granted the 23rd November 1744.

North Carolina

To His Excellency the Governor in Council

The Humble Petition of John Echolls Sheweth

That he hath proved his rights. Wherefore he humbly prays a warrant for 50 acres of Land to be laid out in the County of Beaufort upon the head of Goose Creek on the South side known by the name of Putnells Ridge. And he will pray &c.

Granted the 5th October 1747.

North Carolina.

Before James Hasell Esqre Chief Justice of the Province of North Carolina this third day of April in the year of our Lord one thousand seven hundred and fifty personally came and appeared Edward Griffith of Craven County in the Province aforesaid Esqre who being duly sworn on the Holy Evangelist of Almighty God Deposeth and saith that this Deponent is and for eight or nine years past hath been private Secretary to His Excellency Gabriel Johnston Esqre Governor &c of North Carolina and hath during the time of this Deponent's service in that office and constantly attended all Courts of Claims since March one thousand seven hundred and forty two and hath seen most of the warrants that have been issued since the time aforesaid and that he never saw a warrant for surveying Lands as afores[d] signed by His Excellency the Governor but what had therein inserted the quantity of Acres the County and Place where the same was to be laid out and surveyed and this Deponent further saith that he does not know or can remember that any Patent or Patents passed the Great Seal of the Province but what had the bounds of the Lands inserted therein and the Plot annexed thereunto nor never knew his Excellency the said Governor to sign any blank Patents except once which as near as he can remember was in September in the year of our Lord one thousand seven hundred and forty five in a great hurry of business at a Court held in Bath Town, the Governor then signed some Blanks what number this Deponent cannot well remember and delivered them to this Deponent then and now his Secretary as aforesaid with strict orders and directions to see that the same were properly filled up and this Deponent further saith that not one of them passed the Great Seal of the Province aforesaid till the Plot from the Secretary's Office was affixed and the bounds of the Lands ascertained in the Body of the s[d] Patents and this Deponent further saith that he cannot remember or to the best of his knowledge ever knew the said Governor either since or before the time aforesaid sign any Patent but the Surveyors Plot was brought with

them from His Majesty's Secretary's Office of the Province aforesaid. And further this Deponent saith not.

EDW^{d} GRIFFETH.

Answers to Interrogatories administred this third day of April Anno. Dom: 1750. to Mr. Alexander M^{c}Culloh Deputy Auditor who being duly sworn on the Holy Evangelists of Almighty God answereth & saith

To the first. That he this respondent once and but once saw several Patents but what number this Respondent can't tell at the said Mr. Griffeth's room at one Duncan's near Bath with the said Governor's hand thereto subscribed without the Great Seal of the Province of North Carolina which were at that time blank or not filled up.

To the second. That the said Governor once or twice told this Respondent that Eleazer Allen Esq^{re} then receiver General had complained for the want of a rent roll but at what time this Respondent can't remember And this respondent further answereth that he this respondent did satisfy the said Governor that he wou'd give the said receiver General a rent roll which this respondent accordingly did.

ALEXANDER M^{c}CULLOH.

Answers to Interrogatories administered this third day of April Anno Domini 1750. to Mathew Rowan Esq^{re} who being duly sworn on the Holy Evangelists of Almighty God answereth and saith

To the first. That he does not know of any Agreement whatsoever.

To the second. That his said Excellency did not at any time or times prompt, advise or persuade this Respondent to commence any suit or suits against the said Henry M^{c}Culloh. MATT: ROWAN

North Carolina

Before me James Hasell Esq^{re} Chief Justice of the Province of North Carolina this third day of April in the year of our Lord one thousand seven hundred and fifty Personally came and appeared John Sampson of New Hanover County in the Province aforesaid Esq^{re} who being duly sworn on the Holy Evangelists of Almighty God Deposeth and saith that he this Deponent was at the time of the Commencement of an action or actions in the General Court of this Province (wherein Mathew Rowan Esq^{re} was Plantiff against Henry M^{c}Culloh Esq^{re} Defendant) High Sheriff of the County of New Hanover and as such did serve the first process or Capias ad respondendum upon the said Henry M^{c}Culloh

in the actions aforesaid. That this Deponent continued in that Office for near twelve months after the service of the said Process and that during all that time the said Henry M°Culloh was not under any confinement but on the contrary had the liberty to go all over the Province of North Carolina And this Deponent further saith that after the expiration of the time of service of this Deponent in the said Office of Sheriff one Robert Walker since deceased was appointed High Sheriff of the said County of New Hanover and was such some time before and at the trial of the said suits between the said Mathew Rowan and Henry M°Culloh That this Deponent lived all that time at the Town of Wilmington in New Hanover County aforesaid where the said Robert Walker resided and where the County Goal for the said County of New Hanover was kept That this Deponent never knew or ever heard that the said Henry M°Culloh was in close confinement but on the contrary was always at large to go wheresoever he thought proper And further this Deponent saith not. JOHN SAMPSON.

Whereas a Petition was lately preferred to His Majesty in Council in the names of us Murray Crymble and James Huey of London Merchants praying for a Grant of twelve hundred thousand acres of Land in North Carolina in consideration of settling six thousand Protestants which Petition was referred by His Majesty to a Committee of Council and by the Committee of Council to the Lords Commissioners for Trade and Plantations and whereon the said Lords of Trade have made their report to the Committee of Council in favour of us subject to such terms and conditions as in the said report are mentioned. Now We the said Murray Crymble and James Huey Do hereby declare that our names were made use of in the said Petition only in trust for Henry M°Culloh of London Merchant And that the said Tracts of Land when granted is to be for the proper use and benefit of the said Henry M°Culloh.

Witness our hands the 13th day of December 1736.

MURRAY CRYMBLE.
JAMES HUEY

Witness
HEN. HOWSON
FRAN: REDMAYNE.

Minutes of Council 6th day April 1745 and 28th June 1746. [See Council Journals.]

Interrogatories exhibited to Jos Anderson on behalf of his Excellency Gabriel Johnston Esq[re] Governor &c.

To the first Interrogatory this Deponent saith as well as he can remember that some time in March in the year 1745 at Bath Town his Excellency the Governor did acquaint this Deponent that Mr. Rice and Mr. Moore or one of them had applied to him for his warrant to direct this Deponent to enter up a Nolle Prosequi on a Bill of Indictment found by the Grand Inquest against them at the Wilmington Assize in September then last past for a conspiracy against Mr. Lithgow as they alledged, whereupon his Excellency did advise with this Deponent whether he ought to interfere especially as he did not know but that by stopping the prosecution it might affect Mr. Lithgow in his property, on which this Deponent acquainted his Excellency that Mr. Rice and Mr. Moore had misrepresented the nature of the prosecution, for that the matter in the indictment contained, was for a trespass, assault and false imprisonment, and not for a conspiracy, and that he did advise his Excellency to grant his warrant for a Nolle Prosequi inasmuch as Mr. Lithgow could not expect to recover any damages to himself by a conviction on the Indictment, consequently be no way affected thereby in his property; this Deponent further saith that the only motive he had to advise his Excellency thereto was, that as there had been some difference subsisting between his Excellency and Mr. Moore and some others of the Members of Council, and at or about that time on a reconciliation, that by refusing his warrant, it might be a means to prevent that harmony which ought to subsist between his Excellency and the Council. And this Deponent further saith that he afterwards did receive from the Deputy Secretary his Excellency's warrant dated the 14[th] of the same month of March under the Seal of the Colony directed to this Deponent as Attorney General thereby setting forth that he by the advice of His Majesty's Council did order this Deponent to enter a Nolle Prosequi and stay all Proceedings on the said Indictment, which this Deponent accordingly did enter up at the next ensuing Court of Assize at Wilmington and thereupon Mr. Rice and Mr. Moore were discharged of that Prosecution.

To the second Interrogatory saith he doth not remember that he told his Excellency at Bath, or any other place, that if his Excellency should not grant a Nolle Prosequi, that he the Deponent would do it himself.

JOS: ANDERSON.

Answers to the Interrogatories administered to Mr. Alexander M°Culloh Deputy Auditor this 5th day of April 1750.

To the first. That the Books or Papers now shewn him & marked No. 1—No. 2 are to the best of this Repondent's knowledge and belief the Books or accounts sent to Eleazer Allen Esqre late Receiver General being Copies of some of the Records kept in this Respondent's Office.

To the second. That this respondent cannot positively answer as he is now far from home and can't examine the records which are now at the House of this respondent.

ALEXANDER M°CULLOH.

Answers to Interrogatories administered to Samuel Swann Esqre by James Hasell Esqre Chief Justice of the Province of North Carolina the 5th day of April 1750.

To the first Interrogatory. This respondent answereth and saith that he was of Council in the two suits mentioned in the said Interrogatories for Henry M°Culloh Esqre.

To the second. This respondent answereth and saith That it appeared to this respondent that the said Henry M°Culloh had a fair and impartial Trial in the said suits and this respondent is of opinion that had it not been for a letter of the said Mathew Rowan's Esqre produced by the said Henry M°Culloh at the said Trial wrote by the Plaintiff to Messrs Huey and Murray Crymble wherein the said Mathew Rowan the Plaintiff disclaimed taking Henry M°Culloh Esqre as paymaster for the Fees and expenses on the said Survey of twelve hundred thousand acres of land the verdict in that suit must according to the rules of Law have been given against the said Henry M°Culloh Esqre

SAM[l] SWANN.

June 25th 1750.

Sir, [to the Secretary of the Treasury]

I had the honour to lay before you Governor Johnston's letter wherein he takes notice of Mr. Macculloh's complaint against him with regard to the King's revenue in North Carolina, and that he was immediately to give his answer to the said complaint as my Lords for Trade and Plantations had required him to do, I have therefore been obliged to lay the Original Papers which have been transmitted to me within these few days, containing the Governors answer with the proper proofs in support of the same under the Provincial Seal, before that Board, but at the same time, as the Governrs Answer Opens a scene not only with regard to the peace and the good settlement of that Province, but also more

particularly with regard to the King's revenue in South as well as in North Carolina, and as the Govern^{r} in his own defence and justification has been necessarily obliged to point out some defects in Mr. M^{c}Culloh's Commission, which may require some consideration; I have therefore thought it my particular duty to lay a Copy of the said Answer before my Lords of the Treasury in hopes that their Lordships will either call for the Original Papers and from thence take upon themselves the examination of this whole matter which so materially concerns the revenue, or suspend their determination upon particular points, till such time as my Lords for Trade and Plantations have reported upon the whole case now before them.

The reasons which I beg leave to offer in behalf of my Constituents for moving that my Lords of the Treasury either take this matter wholly upon themselves, or suspend their determination on any part till such time as it has been reported upon by the Lords for Trade, are these,

First that as in the course of an examination into the merits of this case it will be found necessary to take Mr. Macculloh's Commission into consideration, and if upon a reconsideration of such Commission it appears that the King has been deceived in his Grant by some Clauses being contained therein that are arbitrary and oppressive, and not warranted by the fundamental Law of the Land; it is therefore hoped that till this point is considered that their Lordships will make no final or interlocutory order that may operate so as to corroborate the said Commission which it is apprehended that an order for payment of Salary or arrears of Salary might do.

2nd That admitting such Commission to be found warranted in point of Law, yet from the proofs now before the Lords for Trade &c. and to which the Governor referrs, it may appear that the Commissioner has incurred a forfeiture of such Commission through his own misfeasance.

3^{d} That upon examination it may appear that the Kings Intention declared in the said Commission has not been any way answered, so as to improve his revenue of Quit-rents but that such Commission has produced a quite contrary effect, in such case the utility of such Commission may come in question, and from thence will arise this very material consideration (viz.) whether the Establishment of £800 sterling per annum attending this Commission upon this express supposition that the King's revenue was to be improved thereby, in point of policy may not be applyed in aid of the appointments for the Governor and the other essentionaly necessary Officers of Government of North Carolina, whose case is now before my Lords of the Treasury for relief.

From these considerations which occur on the face of the Governor's Answer to Mr. Macculloh's complaint, I hope that their Lordships will acquiesce in this my motion in behalf of my constituents (viz.) That no final Order pass for Salary or arrears of Salary under Mr. Macculloh's Commission, till the whole of the matter in dispute between him and Governor Johnston so far as the same has relation to the revenue of the Quit rents, is discussed, either by their Lordships, or by the Lords for Trade and Plantations, who have the case now in issue before them; and in the mean time I submit it to your consideration, whether it may not be necessary, that a state of the Quit rents of both Provinces be laid before their Lordships by the Auditor General with the several appointments payable thereon, that their Lordships may form from thence a Judgment as to the Application of the surplus Rents prayed for by the several representations now before their Lordships Board.

From the Defects of the rent roll taken notice of in Governor Johnston's Answer it will be no easy matter to ascertain the quantum of the rents of North Carolina, but the quantum that has been received and collected will appear from the receiver's Accounts from time to time transmitted by the Deputy Auditors to the Auditor General or to the Treasury.

From the state of the quit rents of South Carolina now laid before you, as taken in the year 1744, when I left that Province, tho' not altogether exact as there may be some difference in the returns made by the Inhabitants Land holders, to the Collectors of the Public Land Tax, and in the entries of their Lands on the King's rent roll, the comparing of which together I take to be necessary in order to adjust the King's Rent Roll, however admitting some defects in this calculation there must now necessarily be a very large surplus of rents in South Carolina (if duly collected) beyond the present Establishments on that Fund, however this cannot properly appear untill the Receiver's accounts of rents actually collected are compared with the rent rolls which Mr. Walpole as Auditor General if called upon by my Lords Commissioners of the Treasury may settle and adjust from the accounts transmitted to him by his Deputys in these Provinces. Praying your attention to this Case, I am, Sir, Your, &c., J. A. [JAMES ABERCROMBY]

To James West Esq^re^ first Secretary to the Lords Com^s^ of the Treasury.

Dear Sir, [to Mr. McCulloh]

I have herewith transmitted all the proofs that could be got to support your Complaint against His Excellency our Governor. Upon shewing

your power of Attorney to Mr. Barker and Ormond could not prevail on either of them to act by it; their reasons were that though they acted before on the Complaint of the Northern People yet they received such ill treatment from His Excellency that if they now appeared again for you, and more particularly on your own Complaint they expected no less than to be silenced. The Governor and his friends have given out in speeches that everything he and the Assembly have transacted since 1746. is approved of by the Board of Trade and withall add that yours is only a trifling complaint in order to shew, you have done something in your Office in hopes thereby to obtain your Sallary, the which last his Excellency said to me when I waited on him to shew the Memorial & Order of Council. At which time I desired from him an Order to the Secretary, to make out such Copys of the records, as we required; he said there needed no such Order, for that the Secretary would make out what Copys we required, paying his Fees, to which I replyed, I doubted it; for that by the former Order of Council we applied to him for attested Copys of the Currency & Agent Acts, which he refused; His Excellency replied he had given the Secretary that Order by reason that he had not transmitted to the Board of Trade, the Copys of these particular Acts; and that we should not be before hand with him. I also applied to him for an Order to any Magistrate to take Depositions, which he positively refused, saying he would appoint none but the Chief Justice, who lived at Cape Fear, nor would any Magistrate act without an Order from his Excellency, which is the true Cause that we are so short of our proofs relating to the management of illegal administrations, however you had one of Dr. Bluchhalls sent in our Proofs, and one now of Thomas Ryan, of the many that have been transacted.

You mention in yours dated the 3rd November last that we omitted to send the proper evidence in relation to the rent roll and Currency Acts, tho' the cause of which omission, we then fully acquainted you with, and how we were refused the Copys of them, which makes us think that you overlooked Mr. Barker and Ormond's Deposition which we thought was as full proof as could be made on the Secretary's refusal and that he was so ordered by the Governor.

Sir, on the eleventh of June last I exchanged proofs with his Excellency and have had no opportunity of transmitting them sooner. I have languished for several months under a complication of Disorders before and since I received your Complaint against our Governor. Nor could I prevail on any person to serve him as you directed, nor to exchange the proofs, so that I was obliged to wait on his Excellency tho' scarce

able to stir abroad. The rough usage our Agents received on their performing their duty on the last Complaint intimidated every friend from acting in this Affair; only Thomas Parker was prevailed on to draw your Interrogatories, at Newbern & Edgcomb, so that if any of your proofs are wanting or short of your expectation, it is to be attributed to the dread of power, & terrible apprehensions under which we all groan and languish, for in short it is all friends opinion, that if our already transmitted Complaints, and such full proofs as are already sent you to corroborate and support them, are rejected at home, it is vain to hope, or attempt any further redress of our Grievances. For if such violences are tolerated and such unheard of Tyrannies be countenanced the Northern people in general may, and do really with dread expect, there are innumerable more to be inflicted on them (for this only indubitable cause) their applying where they properly expected redress. Nor have they forgot when they complained of the first arbitrary acts committed under and by this Governor, in a mild manner to the then Chief Justice, that if such arbitrary acts were carried on they would cause the people to rise in defence of their liberties. He replyed, that was what they (meaning the Government) wanted; for then the Government would have all their Estates. I need not animadvert, you know our unhappy circumstances, and can form as clear a judgement thereof as any person living. Nor do we doubt your utmost endeavours to procure our redress. But our Fear encreases from our Governor's late proceedings; for when he prorogued his petit Assembly to September next we were bigg with hopes that we should have had redress before it met, but not long since the Governor issued his Proclamation for them to meet at Newbern the third instant, and has declared to his Favourites that he has had an Account as well as directions from Home, that they had nothing to do but to make such alterations in their new Quit rent Law, as it is supposed Earl Granville desires; and when he has transmitted the said Law so rectified and altered, Home, both it, and all they have done since the year 1746 are to receive the royal Approbation.

Upon perusal of the Depositions you will find in the Governor's proofs the artful interrogatories exhibited to Mathew Rowan Esq^{re} and his as artful Answer, In ours, Houstons on the same subject, as clear and fair an answer, as their's dark, subtle & intricate.

Also John Rice's artful Deposition, viz^{t} That all petitions from 1741 was by him drawn in the forms thereto annexed, but neither does he swear (nor was) there any right proved or required, from 1743 to this time, but inserted by him in the Petitions for Form, and to tally with the order of Council.

We also herewith send you three original Grants procured from the Owners, part of the many issued in this part of the Province, and pray you will remit them after the use intended; it is [to] support John Wynns, Benjamin Wynns and Nath. Coopers Depositions. And we are in hopes they will (if any proofs will) clear up to the Council Board and Earl Granville, the corrupt practices of the Governor in managing the land office. Besides all persons that have obtained Grants from Earl Granville's Agents are under the greatest concern, that they are neither secure nor safe under them, dreading that a blank Grant may come (which may antedate their Grants) many years hence, which now lies dormant. The fear of which prevents numbers from endeavouring to take out warrants, or settle in this part of the Province.

By Marmaduke Kimboro's Deposition you will see the the fraud done to him & Earl Granville by the Governor's and the Earl's Agents.

Mr. John Campbell, Mr. Alexander M°Culloh and Cooper's Depositions clear up Mr. Griffith's evasive Deposition, which the original Patents corroborates. We neither have nor can procure a Copy of this Assemblies proceedings as yet, though we are informed that they have completed everything according to the Governor's desire, which will no doubt be transmitted to their Agent with speed. So that we have no hope left but the success of your management under God, to prevent Our & Posterities being subjected to the arbitrary will of this and all succeeding Governors. I sincerely condole you on the loss of your promising son James; it has been likewise my misfortune to lose my son Ben. We must submit to the will of God. My best wishes attend Mrs. M°Culloh Henry and Miss Penelope and are sincerely offered for your health and happiness And am Sir, &c., BENJ^m HILL.

Bertie County. N° Carolina July 23^rd 1750.

P. S. On perusing the dates of the Grants and of the Surveyors returns of the Plotts to them annexed you will discover how long prior the dates of the Grants are to the Warrants and the returns of the Surveys were made.

(Endorsed)

North Carolina

Letter from Mr. Benjamin Hill to Mr. M°Culloh dated Bertie County July 23. 1750. informing him he could not obtain the Governor's Summons for evidence in his behalf.

29^th October 1750.

SIR, [SECRETARY OF BOARD OF TRADE]

I received your letter of Thursday evening last, how and in what manner the Governor hath transmitted his Answer to the Petition of

Complaint exhibited by me against him, I am entirely at a loss to know, as by my latest letters dated the 8th of June last he had not served any Person in my behalf with a Copy of the Answer or the Copys of any of the evidences which have been taken relative thereto, nor hath his Agent here given me any notice on that head. Moreover by said Advices he had hitherto prevented the Seal of the Colony from being fixed to the evidences that were taken in support of my charge.

On receipt of said letters I have wrote my friends in Carolina, that in case the Governor still persists in denying the Seal of the Colony to be affixed to the Evidences taken on my behalf that in such case they make proof of said refusal before a Notary Publick, and transmit all the Evidences, attested by said Notary.

If the Governor hath transmitted his answer without annexing Copies of the Affidavits he hath been served with, he acts entirely out of all form, and it can be done only with a view to defeat the intention of their Lordships Order, and raise a Clamour against me, however this will not serve his end as truth will prevail.

The melancholy situation of my Affairs & the ill state of health I am subject to, lays me under a necessity of staying much in the Country, but as soon as any Papers arrives relating to the above matters, I will immediately do myself the honour to wait on their Lordships.

I am, Sir, &c., HENRY M°CULLOH.

The humble Memorial of Henry M°Culloh [to the Board of Trade] sheweth

That your Lordships were pleased by your order dated 4th July 1749, to direct Gabriel Johnston, Esqre Governour of North Carolina, to give to your Memorialist or any other person on his behalf, full liberty to examine Evidences before any Judge or other Magistrate concerning the subject matter of your Memorialist's complaint and that the said Judge or Magistrate should be empowered to summon all such persons as the complainant or any other Person on his behalf would name and further that the Secretary should be enjoined to give Copies from the Records of any Papers or Entries which may be required by the Complainant, or any person concerned for him. And that in case the Records are defective that the Secretary should also be enjoined to give Evidence on Oath concerning those defects.

That although the said Governour was duly served with a Copy of your Lordships said Order, yet he prevented your Memorialist, and others in his behalf from acting pursuant to the said order in the manner thereby directed. And when your Memorialist sent a letter of Attorney

to two Lawyers to act for him, the answer was, that they or any other Lawyer in that Province durst not attempt to act in any matter against the said Governour for as they had the liberty of pleading by License from him only, he in that case would withdraw the said License and so prevent them from pleading in the Courts of Law and when Colonel Benjamin Hill attempted to give proof of those arbitrary proceedings the Justices who have been lately modelled by the said Governour refused to permit any evidences to be examined in relation to the said complaint without a special order from the said Governour for that purpose, and the said Governour absolutely refused to grant the liberty of examining Evidences before any Judge or other Magistrate touching the matter complained of except before Mr. Hasell who is his Creature and by him appointed to act as Chief Justice (in the absence of Enoch Hall Esq^{re}) although the said Hasell never was bred to the Law nor hath the least knowledge therein, and except the examination of Thomas Ryan taken before Joseph Anderson Esq^{re} Judge of the Admiralty and by obliging the witnesses to travel from the places of their residence to Newbern (distant one hundred miles and upwards) the said Governour hath in that particular and every other matter used his utmost endeavours to prevent and silence all enquiry into his conduct and nevertheless when this matter is complained of the Governour will endeavour to draw advantages from his own arbitrary proceedings although he refused to let your Memorialist enjoy the common priviledge or Right of proceeding according to the rules of Office yet he in his own case would claim all advantages therefrom, however truth and justice are distinguishable from falsehood and acts of injustice or violence, for Truth is always uniform and falsehood is known by its characters.

If the said Governour had permitted your Lordships Order in relation to the above matters to operate in the manner thereby directed he would have observed your Lordships directions relative to the Records in the examination of the Secretery. But in considering this matter it will appear that he acted in direct opposition to the said order, and it will also appear that the Evidence given by the Secretary is as evasive and that no stress is to be laid or any dependance had on the records.

Eight Interrogatories were exhibited to Mr. Nathaniel Rice and John Rice who acts as Secretary for Nathaniel Rice seldom or never intermeddles in the Business of the Office wherefore Nathaniel Rice is made to give a General answer to seven of the said Interrogatories but he refused to give any answer to the Eighth Interrogatory which was so closely worded as to put him under a necessity of contradicting himself in the former part of his Evidence touching the Records, and the said

Governours exerting his authority in preventing Entries from being regularly made therein or else to be entirely silent on that point the said John Rice was then present and yet he did not answer to any more than one of the said Interrogatories, as he must either have confest the Truth or made himself liable to an Indictment for Perjury.

That the Records are defective and not to be relied upon, will appear from the great number of blank Warrants and Grants which have been issued by the said Governour, as it is impossible for him to act that part without the Priority and consent of the Secretary, and it is very observable that although the said Nathaniel Rice in his answer to the 4th Interrogatory deposeth that your Memorialist made objections to the Records touching the dispute with Captain Rowan, and that although the said Nathaniel Rice admits there were some defects therein which he did not then remember, yet he hath transmitted the said Records certified under the seal of the Colony without making any amendment thereto. It will also appear that what he deposed on that point is foreign to the Truth provided your Lordships will be pleased to permit your Memorialist to read the Copy of the objections then made and afterwards signed by the said Nathaniel Rice whose hand writing can be proved. In the Entry of a Record a few words may be omitted by mistake but it is not to be conceived that all the Material Points in the Debate should be omitted without some design and it is conceived to be impossible to prosecute any petition of Complaint so as to have its full effect while the said Governour acts in that arbitrary manner first in keeping up the Records without transmitting them to your Lordships for Eight or Ten years together and then after modelling them to his own liking to stiffle or obstruct the necessary Proofs on that Point.

Having shewn in what manner your Lordships just and laudable Intentions under the said Commission of Enquiry, have been frustrated or defeated. I shall with your leave proceed to consider the Evidences transmitted under the seal of the Colony viz^{t}

Marmaduke Kimbrough proves that the said Governor hath often encroached upon the Rights of the Planters particularly in the Exchange he made of sixty thousand acres of Land within Earl Granvilles Division with the Crown.

John Wynns late Deputy Surveyor proves that he by orders from the Surveyor General often surveyed Lands previous to any Warrant that he received several Warrants for Lands dated in April 1745 and afterwards Patents for the same of a prior date, and that he often had Warrants and Grants in his Custody without any Rights having been proved thereon so as to intitle the Parties to the said Warrants and Grants.

Nathaniel Cooper deposeth that he hath seen a great many blank Patents in the office of Forster (who acted as Deputy Secretary) with the seal of the Colony affixed thereto, that he hath filled up severall of the said Patents and believes the same were signed by the said Governour particularly that he filled up the Patent to Benjamin Holliman which was blank when sealed and signed by the said Governour.

John Campbell deposeth that on the 28th day of September 1745 he saw several blank Patents and Warrants in Mr. Griffiths room which were signed by the said Governour.

Alexander M°Culloh Deputy Auditor deposeth that the said Governour contrary to his Majesties Instructions granted many Warrants and Patents out of Council, that several of those Warrants were not audited and that in such case it was in the said Governour and Surveyor Generals power to Grant Blank Warrants, or act in any other loose manner as they thought proper, and he further deposeth that he hath seen several blank Patents in Mr. Griffiths room signed by the said Governour.

The Depositions of Benjamin Wynns and Thomas Ryan further corroborate the Truth of all the Matters aforesaid.

The several Evidences above referred to will (as humbly conceived) fully demonstrate the Truth of every thing charged by your Memorialist in the six or seven first paragraphs of his Petition of complaint and plainly shew that the Governour by acting so contrary to his Majesties Instructions must from the very nature of the thing introduce the utmost confusion in the Colony for when blank Patents or Grants and Warrants are issued it is in the Power of such persons as hold them by antedating the same to claim the property of others and to occasion such mixed Claims and confusion in property as to put it out of the power of any Court of Law to Judge of and determine the Right and property of the subject and then of course every thing must be arbitrarily decided by act of violence and this is the cause why the disputes now subsisting in the East and West Jerseys are come to so great a heighth and as the same cause will always produce the same effect so it is much to be feared that the said Governours late measures may have a fatal Tendency particularly since the time of the Right Honble Earl Granville's division with the Crown from which Period the said Governor hath acted a double part first in issueing Warrants and Grants within his Lordships Division and afterwards extending his Lordships Lines one hundred and thirty miles and upwards, since the time his Lordships Grant issued from the Crown, but how far this should or should not have been done is a matter of different Enquiry although (as humbly conceived) it is evident that the said Governour ought not to proceed in that extraordinary manner at least without consulting your Lordships on that head.

Before his Majesty appointed your Memorialist Commissioner for supervising, inspecting and comptrolling his Majesty's revenues and grants of Lands the said Governour did loudly complain against Sir Richard Everard on account of his having issued blank Patents and Warrants for Land and so caused the whole concerns of the said Colony to be thrown into the utmost confusion which partly gave rise to your Memorialists Commission as it was then thought by the Right Hon^{ble} the Lords of the Privy Council and also by the Right Hon^{ble} the Lords Commissioners for Trade and Plantation to be not only prudent but necessary to appoint an Officer for regulating the records and yet since your Memorialist's return to England the said Governour and those who act for him have represented the said Commission as illegal and unwarrantable. This is indeed an attack on the Wisdom of the Lords of the Privy Council and your Lordships Board in advising his Majesty to appoint the said Commission and is chiefly levelled at your Memorialist in order to prevent or obstruct him from receiving the Benefit of his Salary. If the said Commission be considered singly and without any reference to the motives of granting it and the good intentions of the Crown under his Majesty's Instructions in quieting the Planters in their Possessions it is admitted that several things exceptionable will appear in the said Commission, but when the motives and end of the Crown are duly considered it will fully clear up the said objections and shew the Wisdom of those who advised his Majesty to appoint the said Commission. It may be dangerous or improper for your Memorialist to predict or even to point at the consequences of such a charge in now making (what seemed wise and proper Ten or Eleven years ago) a matter of doubt and controversy wherefore I shall be silent on that head.

The Proofs to support your Memorialist's charge against the said Governour in not delivering up the Bond of Four Thousand Pounds sterling entered into by the Receiver General Nathaniel Rice and Roger Moore Esq^{rs} (three Members of the Council) for the faithfull discharge of the Receiver's Duty and in preventing your Memorialist from acting agreeable to his Majesty's Instructions on that head are as follows. viz^{t}

That the said Governour and Council by their Proceedings at Newbern on the 28th day of June 1746 (as may more fully appear by the Records transmitted to your Lordships) did not only refuse to deliver the said Receiver's Bond but censured the Attorney General for demanding the same.

That the said Governour and Council (six in Number) whereof three were parties to the said Bond did deny or call in Question your Memo-

rialist's Power to examine into the said Commission although they well knew that the same was regularly entered in the Secretary's Office.

That the said Council gave it as their opinion that the Attorney General could not regularly apply to the said Governour for the said Bond or a Copy thereof unless the same had been refused at the Secretarie's Office. Yet the truth is and as the said Secretary now affirms on Oath in answer to the first Interrogatory that he had not either the said Original to the said Governour and now the said Receiver General being dead the said Original cannot be found or any Copy thereof with the said Governour or Secretary.

The Memorial delivered by your Memorialist to the said Governour in relation to the said Proceedings and in answer to Mr. Allen's Memorial to the said Governour which now certified under the seal of the Colony doth fully represent the several defects which then appeared in the said Receiver Generals accompts. And the said John Campbell's Deposition in answer to the fourth Interrogatory shews that although he bought large quantities of Tobacco from Mr. Allen's Deputies at nine shillings ℔ hundred yet the Receiver General gave credit to the Crown for the same at the rate of five shillings and nine pence only.

The said Governour's whole proceedings in this matter have been of a very extraordinary nature he claims an arrear of no less than Ten or Twelve thousand pounds sterling as due to him and yet he hath prevented the Receiver from being called to an account although the said Receiver never had (in the course of Twelve or Thirteen years) given in a full and true account of the receipts and issues of his Majesties Quit Rents, nor during that time ever had one account regularly audited and passed notwithstanding a great arrear was due to the Officers and that his Majesties Rent Roll amounted to Two Hundred and Twenty pounds sterling ℔ annum and upwards more than the established Salarys of the Officers such conduct must have proceeded from some motives of Interest and particular connections with the Receiver and also from the said Governour's imagining that he might afterwards obtain the arrears of the Salary pretended to be due to him either out of the Quit Rents of Virginia or of South Carolina.

Your Memorialist's Petition of Complaint humbly represents that in several Instances it was thought agreable to the wisdom of the Crown to permit private undertakers to settle large districts of Land in America under certain conditions and restrictions and that although it may tend much to the benefit or advantage of the Colonies, the Crown in all events could not be a loser thereby in regard that the parts of the said lands not settled were to revert to the Crown and that in fact it was doing no

more than restraining the said Governour from issuing Grants within such districts until the fate of the settlement should be determined But then it is to be presumed that the said Governour should not be permitted to act contrary to his Majestie's Instructions on that head or to give unwarrantable delays and demand exhorbitant Fees on the issuing of the said Grants or otherwise to refuse or delay the issuing of those Grants which must in a great measure not only defeat the Intention of those Settlements but also make the parties concerned therein liable to many losses and hardships in carrying on the said settlements.

This really is the case now under your Lordships consideration the said Governour and other Officers were by the Laws referred to by the Secretary in answer to the second Interrogatory intituled only to Two Thousand one hundred and sixty two pounds eight shillings proclamation money for surveying passing and issuing Grants for Twelve hundred thousand acres of land, but as it appears by the list of Fees certified by the Secretary and transmitted to your Lordships under the seal of the Colony the said Governour and other Officers demanded no less a sum than seven thousand one hundred and twenty two pounds two shillings proclamation money and delayed to issue the said Grants until some litigious troublesome and expensive suits were carried on against your Memorialist as an associate or person concerned in the said undertaking and when the said Governour and other officers were disappointed in their said views of compelling your Memorialist to pay the exhorbitant Fees demanded by them then the said Governour agreed to issue the Grants upon your Memorialists delivering into the Chief Justices hands the said Governour's Bonds payable to your Memorialist for Two thousand four hundred pounds and upwards advanced to the said Governour when he was under the greatest necessities or difficulties which said Bonds he was to receive in full payment of his own Fees and also of the Secretaries and surveyors leaving your Memorialist still liable to pay the Attorney General and Auditors Fees and although it was on the Third day of March 174$\frac{5}{6}$ that the said Grants issued yet on the seventeenth day of that month commissioners were by him appointed for extending Earl Granville's line which includes or takes in most of the land belonging to your Memorialist so that he doth not know whether the said land ought to be deemed in his Majestie's or Earl Granville's division and if within Earl Granville's division the said Governours so taking the said Bonds is tantamount to his robbing or defrauding your Memorialist of the said two thousand four hundred pounds due by the said Bonds.

And although the said Governour hath affirmed that your Memorialist was wholy and soly concerned in the said Grants yet his own order and

referrence to the Attorney General will evidently shew the falsity of that affirmation as will the Grants now made out and that he all along acted in a partial manner on motives of interest will fully appear by the evidence of Doctor William Houston who proves the agreement made between the said Governour and the said surveyor.

The said Governour hath also endeavoured to prevent or silence all informations to your Lordships on this head as the Deputy Secretary did not duly answer to the Interrogatories exhibited to him which if he had done would discover the truth of all the Facts above charged, and the Memorial presented by your Memorialist to the said Governour would likewise have been brought to light and transmitted to your Lordships however as this matter is of great importance and (as humbly conceived) worthy of your Lordships consideration it is therefore most humbly hoped from your Lordships known goodness and justice that you will be pleased to receive such evidence as the nature of the case will admit of by permitting your Memorialist to produce the Memorials herein referred to which are counter signed by the said Governour and that Enoch Hall the Chief Justice be called upon to declare whether he did receive the aforesaid Bonds amounting to Two Thousand four hundred pounds sterling and upwards for the Goverour's use and that he shall further declare whether in less than one month after the delivery of the said Bonds the said Governour did appoint any and what Commissioners for extending Earl Granville's said line after the date of his said Grant.

An Inquiry or Examination of the said several matters will consequently bring many other things to light and shew the Governour's motives for passing the Quit Rent Law which hath very little (if any) relation to the Crown.

The said Governour and his friends have at some times represented your Memorialist as the sole Proprietor of the said Grants and at other times as only an Agent and the Secretary hath added words in the said Memorial delivered to the said Governour at Edenton in November 1745, Whereby he makes your Memorialist say that the Gentlemen concerned in the said Grants intended to send him over as agent although as your Memorialist solemnly declares no such words were in his said Memorial when delivered to the said Governor so that the same are untruly inserted in the Copy transmitted to your Lordships but the truth is that your Memorialist was concerned in the said Grants and that by agreement with the other Associates 200,000 acres were to be his share or proportion in the said Grants and his being so concerned therein was well known to the Right Hon^{ble} the Lords of the Committee of Council and to the Right Hon^{ble} the Lords Commissioners for Trade and Planta-

tion as may appear by several papers which (as he humbly conceives) are now deposited in your Lordships office, but how this can be brought as a charge against your Memorialist he is entirely at a loss to tell, unless it can appear that he hath done some unjustifiable act under the said Grants or neglected his Duty which (as your Memorialist humbly conceives) is impossible for the most inveterate of his Enemies to prove especially for that he never did in any particular to the best of his knowledge deviate from his Duty or injure any person whatsoever in their property.

An other argument hath been urged against your Memorialist of a most extraordinary nature viz: That as he is so largely concerned in the said Grants the Quit Rents which will become payable thereon in the year 1756 and 1757 &c: will be sufficient to pay all arrears of salary due to him from the Crown this would indeed be a new method of determining property to allow the said Governour to throw insurmountable difficulties in the way of compleating the said Settlement and afterwards to withdraw or obstruct the means of carrying it on for how in that case could your Memorialist receive any benefit either from the Lands or from his salary.

The nature and duty of your Memorialist's Office hath evidently procured to him so many enemies that every thing which can afford the least pretext or colour of a charge is greatly magnified or aggravated by malicious misrepresentations.

If there is anything in your Memorialists case relative to the said Grants which in your Lordships opinion may require an amendment or alteration your Memorialist will on signifying your Lordships pleasure on that head readily acquiesce therein.

As the fees of the said Grants which accrewed in settling part thereof amount to a great sum and although part of the Baronies which are fully settled have been disposed of (as the parties were intituled to do by the conditions of the Grant) in order to raise money to carry on the other part of the settlement yet the Parties concerned are still in advance Four Thousand Pounds sterling and upwards.

Your Lordships are so well apprized of the charges of new settlements as to know whatever is done therein (little or much) is for the service of the Crown although often ruinous to the undertakers.

Alexander M°Culloh Deputy Auditor deposeth that he was present at the Trials between Captain Rowan and your Memorialist And that Enoch Hall Esq^re^ the Chief Justice would would not permit your Memorialist to have any of the said Governour Johnston's letters read in Court notwithstanding that they were very material in the cause then depend-

ing, and that although the said Enoch Hall refused to do that Act of Justice to your Memorialist yet he permitted Samuel Johnston the said Governour's brother to give evidence of a postscript to a letter said to be written by your Memorialist to the said Governour Johnston without producing the said letter or alledging that it was lost.

The Rev[d] James Moir deposeth that Enoch Hall the Chief Justice of the said Trial insisted upon the said James Moir's being examined as to some discourses passed in private conversation between the said deponent and your Memorialist although the said deponent declared to the Court that he did not think himself obliged to give evidence of any such discourse or to betray private conversation. And the said James Moir further deposeth that the said Samuel Johnston was permitted to give evidence of a paragraph in a letter said to be written by your Memorialist by [to] Gabriel Johnston Esq[re]

The said several facts speak so strongly that your Memorialist need not take up any more of your Lordships time by inlarging on that subject, as he humbly conceives that there never was any other instance of a Court of common Law (or any other Court except the Inquisition) requiring any person to betray the private conversation of his friends or that any Judge ever permitted a postcript in a letter to be given in evidence without producing that Letter in court or alledging that the said letter was lost for if that was to be practised or permitted no man would be safe in writing a letter to another as a paragraph in a letter taken seperately from the rest may have or bear a very different signification or meaning from what it would have or bear if the whole letter had at once been read.

As this affair hath a publick and general tendency therefore your Memorialist must humbly hope that it will be so considered.

John Wynn in answer to the fourth Interrogatory deposeth that the said Governour hath often acted in a very arbitrary manner by displacing Justices of the Peace, and that he by his own authority (without any previous proceedings in the Courts of Law) discharged an Orphan who was bound by the Justices of the County to Thomas Jones Esq[re]

And in order to shew that the Justices were by Law impowered to bind out Orphans there are two attested Copies of Commissions signed by the said Governour and transmitted to your Lordships.

Captain John Campbell in answer to the third Interrogatory also deposeth that the said Governour hath acted in a very illegal and arbitrary manner by seizing and delaying ships which were consigned to the said Deponent who sustained great loss and detriment as well as other persons concerned therein.

The Attorneys and Lawyers of the Courts are under such dread of having their Licenses recalled and consequently deprived from getting their Livelyhood that they are not willing to give their evidence in any matter which hath prevented proof being made of what was charged in relation to the Governours arbitrary manner of proceeding in Injunctions. Yet the following evidence will fully prove what the said Governour is capable of doing on that head.

The Rev[d] James Moir in answer to the second Interrogatory deposeth that on the 28[th] day of July 1745 Captain William Lithgow was arrested on board a vessell wherein he had taken his passage for Boston and that the said Deponent having afterwards asked Mr. Rice the Secretary the cause of that arrest the said Rice shewed a Precept by him given on the day before in the words following viz[t]

"Whereas the Honourable Roger Moore Esq[re] has made application to "me and intends to bring an Indictment against Mr. William Lithgow "These are therefore to command you to apprehend Cap[t] William Lith- "gow and bring him before me that he may enter into Recognizance. "Signed Rice and directed to George Richardson Constable.

That Robert Walker and the said Deponent made some remarks to the said Nathaniel Rice upon the illegality of the said Precept, particularly that Oath had not been made of the breach of any Law whereupon the said Nathaniel Rice and Roger Moor went into another room, and having speedily returned, brought another Precept with them in the words following. viz[t]

"Whereas the Hon[ble] Roger Moor Esq[re] had made Oath that Captain "Lithgow had commenced a tedious suit against the said Moor for burn- "ing Lightwood on Lands said Lithgow had bought of Mr. John Gray. "These therefore is to command you to apprehend the said Lithgow and "bring him before me that he may enter into a Recognizance for his "appearance at the next Court of Assize, the said Moor intending to "indict the said Lithgow at said Court, signed Nath: Rice directed to "George Richardson Constable."

The Sheriff having accordingly executed the said Precept the said William Lithgow gave in Bail whereupon the said Deponent having asked the said Roger Moor whether Captain Lithgow might appear by his Attorney received for answer that the crime was of such a nature that the said William Lithgow must appear in Person. (The said Roger Moor hath at other times represented that Cap[t] Lithgow bought the Lands from Mr. Gray in order to sue him for a Trespass in burning Lightwood and making Pitch and Tar on the said Lands and therefore insisted that it was Barretry and that the said Lithgow was Indictable

for the same. Roger Moore continued to make Pitch and Tarr on the said Lands after the said William Lithgow purchased the said Estate which was the cause of the disputes subsisting.) which prevented him from proceeding to Boston as he resolved for the recovery of his health. There was not any suit then depending against the said William Lithgow nor was he afterwards indicted by the said Roger Moore to the best of that Deponents knowledge or belief.

But Although that the said William Lithgow at the then next Court of assize got the said Nathaniel Rice Secretary and the said Roger Moore to be indicted by the Grand Jury yet in a short time after his Excellency Gabriel Johnston Esq[re] as Governour [caused] a Noli prosequi to be entered on the said Indictment in a very arbitrary and illegal manner.

The said proceeding appeared to your Lordships so extraordinary that at the first mention thereof the Truth of the fact seemed much to be doubted, Roger Moore was a leading man in that Country and being countenanced by the said Governour in all his illegal acts did in return support or second the said Governor in all his arbitrary proceedings, and although the said William Lithgow was a man of good credit and fortune and used his utmost endeavours to get a copy of the proceedings against him yet he never could obtain any but was continually harrassed by acts of power and violence until the day of his death.

What hath been above said in relation to the conduct of the Chief Justice on your Memorialists Trial and the proceedings which hath been had by the said Governour and two Members of the Council in relation to Captain Lithgow represent the affairs of the said Colony in a true light.

The charge which your Memorialist has made against the said Governour for passing the currency and Quit Rent Laws contrary to his Majesties Instructions by not incerting a suspending clause therein will appear evident from the said Laws as transmitted to your Lordships.

And what is charged in relation to the said Governours preventing matters from being regularly entered in the Journals of the Council there, and his not transmitting the same will evidently appear from the Memorial delivered by your Memorialist to the said Governour in council in November 1746 which was not entered although earnestly requested in order to bring the said Governour's Proceedings before your Lordships, and it will likewise appear from the several remarks made in the first part of this Memorial that very little (if any) credit is to be given to the Records.

Mr. John Campbell's Deposition proves what was charged in relation to the said Governour's being wanting in his Duty by not ordering Pub-

lick rejoicings to be made on advice of the most happy defeat of the Rebels at Culloden, and your Memorialist's real intention in mentioning the said matter is only to demonstrate that the Governour's resentment shewn to the people really was such that he chose rather to neglect his duty to his Majesty than give an opportunity to the People of making Publick Rejoicings on that glorious defeat, and although the same occasioned much speculation and was taken notice of in Virginia yet your memorialist verily believes from his former acquaintance with the said Governour it did not proceed from any disaffection to his Majestie's Person or Government but from a Rancour in his mind against the people of Edenton.

If any thing criminal or faulty had appeared in your Memorialist's conduct during his stay in America his Enemies there did not want inclination or power to represent him in the most odious or disadvantageous light, wherefore your Memorialist hath undergone a kind of ordeal Trial but notwithstanding all the difficulties and Obstructions industriously thrown in his way yet he hath been able to procure a Rent Roll for North Carolina in which province there never was any such before his time as may appear by the Auditor General's report to the House of Commons in 1740. And your Memorialist hath improved the Rent Roll in South Carolina One Thousand Two hundred pounds sterling ℔ ann: and upwards as may also appear from the Rent Roll transmitted to the Auditor General in May 1743.

The facts stated by your Memorialist in his Petition of complaint are so full and strong that the said Governour could not have any recourse but to acts of Power to evade the same and he hath not only attempted to defeat the intention of your Lordship's order by his preventing your Memorialist from having his Evidences examined in the manner directed by your Lordships but hath also designedly omitted to serve your Memorialist or any other Person in his behalf with a true copy of his Proofs as directed by your Lordships so that if the said Proofs were allowed to be read in Evidence it would break in upon all forms of proceeding both in the Courts of Law and in the Offices.

And it is further observable that what the said Governour hath transmitted to your Lordships as an answer to your Memorialist's Petition of Complaint is not properly an answer but really a Complaint arising from the violence of his resentment in regard he charges your Memorialist with several matters of a very extraordinary (if not incredible) nature without any proof (except of his own framing) to support the same, yet as his Agent declared at your Lordship's Board Memorials have been thereupon preferred to the Right Hon^{ble} the Lords Commissioners of the

Treasury praying that all proceedings relative to your Memorialist's Salary may be delayed until your Lordships should give your opinion in relation to the Matters now under your Lordships consideration, and it was also then and there mentioned that Mr. Pelham said that he would not determine anything in regard to your Memorialist's Salary until your Lordships had made the Report.

Those private Transactions plainly shew that the said Governour's answer is to be considered as a new complaint against your Memorialist and that although the said Governour cannot support his charge therein yet he hath taken this method to wound or asperse your Memorialist in his character and injure him in his property without giving him any opportunity of justifying himself and demonstrating his innocense as he could and still can when required.

The several matters charged by your Memorialist are of a Publick nature and nearly concern the Crown the Offices and the safety of his Majesties subjects from which cause the said Governour hath endeavoured to throw the said complaint into a different shape Wherefore it is humbly hoped that your Lordships will be pleased to order the said Governour's Agent to serve your Memorialist with a Copy of the said Complaint or answer as complicated together, and also with Copies of all Memorials or other papers in relation to your Memorialist's Salary which hath been presented to the said Governour or his Agents to the Right Hon^ble^ the Chancellor of the Exchequer, or to the Right Hon^ble^ the Lords Commissioners of the Treasury That your Memorialist may be thereby enabled to give a full and true answer to several groundless and malicious suggestions which have been artfully raised and propogated to his great prejudice.

And therefore your Memorialist most humbly conceives that the nature of the present case requires this method of proceeding more especially for that payment of his Salary doth in a great measure depend on your Lordships report, and for that he ought in common Justice to have an opportunity of vindicating himself, which he will do with the utmost speed as he really hath the strongest motives to prompt him thereto.

Your Memorialist therefore most humbly prays that your Lordships will condescend to take the said Premises into your consideration and grant such relief therein as to Your Lordships in your great Equity and regard for the injured shall seem meet.

And your Memorialist (as in Duty bound) shall ever pray &c:

HENRY M^c^CULLOH

The Fees demanded from Mr. M^{c}Culloh, as by the List certified by the secretary is as follows viz:

	£	s	d
To the Gov^{r} for signing 96 Grants at 5^{s} 4^{d} each	25	" 12	" –
To the Gov^{rs} Fee in proportion to the quantity of Lands granted at 2^{s} 8^{d} ℔ 50 acres on 12,00,000 acres amount to	3050	" —	" –
The Gov^{rs} Secry^{s} Fees of 2^{s} 8^{d} for 96 acres	12	" 16	" –
The King's Secry^{s} Fees of 16^{s} on every 640 acres	1550	" —	" –
The Auditors Fees on 96 grants at 16^{s} 8^{d} each	51	" 14	" –
The Attorney Generals Fees on 96 grants at 6^{s} 8^{d} each	32	" —	" –
Surveyor Generals Fees on 12,00000 acres at 2£ ℔ 1000 acres	2400	" —	" –
fo: 9. in the middle	£7122	" 2	" –

The legal Fees allowed by the act of Assembly referred to by the Secretary amounted to no more than £2162 8^{s} 0^{d} ever provided the Surveyor General had surveyed and plotted out all the Inner lines of the said surveys

Rec̄ed Feb^{ry} 22nd 175$\frac{0}{1}$

North Carolina—ss.

The Depositions of Marmaduke Kimbrough of the said Province of full age being duly sworn saith.

The said Deponent saith he heard and believes his Excellency the Governour had a Tract of Land on the branch of Enoh containing 60000 acres of Land a great quantity of which land was very bad and unprofitable That this Deponent being inclined to take up a Tract of Land on Little River contiguous to said Tract of Land that this Deponent endeavoured by all possible means to know where his Excellency's lines and was shewed by some persons who informed this Deponent that they were the persons that carried the chain and directed this Deponent to the marked Trees That this Deponent thinking himself then secure applyed to Edward Moseley Esq^{re} who then acted for the earl Granville and received Entrys for said Earls land and entered a Tract containing one thousand acres on the head branches of Little River and surveyed the same and that soon after the Governour and Mr. Gould went to Enoh aforesaid and on his the Governours return as this Deputy heard and believes he gave out that he would have this Deponents land and as the Deponent heard he had entered a Caveat against this Deponent getting a deed for

his said Land that this Deponent attending the said Earls land office at Edenton his Excellency then preferred a Pet^{r} the purport whereof or as much thereof as this Deponent can well remember was that he had about the year 1742 made a purchase of the Memorialist of 60000 acres of Land on Enoh and Little River and that he sent a surveyor to survey the same who failed to run the survey according to bargain on the River Enoh and Little River by means whereof his said Excellency had surveyed to him so much bad land that it was not worth the Quit Rents and therefore he must be a great looser and hoped that they would indulge him so farr as to suffer him to dropp his said Patent and grant him a new one to be surveyed on Enoh and Little River that this Deponent fearing he should loose his land applyed to Mr. Craven an Attorney at Law and as the Deponent knew he was far out of the Governour's Bounds offered him either ten Pounds or ten Pistoles to appear for him and defend him who told this Deponent that if this Dep^{t} would give him £50 neither he nor any [of] them meaning (as this Dep^{t} believes) the other Attorney or any other person dare appear against him And since that the Governour made a new survey and included in it this Dep^{ts} land by which means he this Deponent lost the same and has thrown off the bad and unprofitable part of his Excellency's first Survey.

This Dep^{t} farther says that after the Governor had preferred his Pet^{r} as aforesaid that this Dep^{t} charged Col: Moseley and Col: Halton Agents for the Earl Granville with breach of faith towards this Dep^{t} in relation to his Entry and survey that he had assured this Deponent in case he was out of the Governour's lines he should have his land and that as he had his money ready to pay for his Deed he conceived he had a just Right to it That the said Moseley then told this Deponent they (meaning said Agents) were instructed by Earl Granville to indulge his Excellency the Governour as far as they could to which this Dep^{t} answered that the case then was far beyond an indulgence for it was stripping him of his just Right he this Deponent having made large and expensive improvements to the value of least of £20 Virg^{a} money to which he answered he had an express order as aforesaid.

MAR: KIMBROUGH

The Deposition of John Wynns of Bertie County Gent: being of full age and sworn on the Holy Evangelist—To the 1st Inter: saith that sometime in the Spring in the year 1741. he saw a Proclamation signed by the Gov: by which Procl: it was notifyed That all Warrants should be Petitioned for in Council and Rights proved in Council and in every thing else as this Dep^{t} believes pursuant to his Majesty's Instructions to

the Governour in relation to the taking up of Lands and this Dep^{t} says that he observed the Gov: for a small time observe the methods prescribed by said Proclamation But soon after that method was altered and then the custom was Rights were proved in County Courts and certificates thereof transmitted to the Secretary's Office and soon after neither Rights nor Certificates were at all required and about the year 1744 and 1745 It was the general custom in the Secretary's office to which this Deponent had frequent recourse as being Dep^{ty} Survey^{r} under George Gould Esq^{re} (Surveyor General of North Carolina) to apply to the Secretary for Warrants for Lands and pay Fees and paid 4 Shill: Sterling ℔ 100 acres for the Gov^{r} as Right money as it was called and sometimes the Surveyor General gave small Tickets to this Dep^{t} to survey lands for which the Dep^{t} was to have Warrants afterwards and therefore left the dates of the return blank for the Survey^{r} General to fill up in order to keep tally in the office having Instructions from the Surveyor General so to do with the addition of his saying, we must come date over them or be before hand with them He then speaking of Moseley as this Dep^{t} took it then by the Surveyor Generals discourse that the land officers would antedate Warrants and Grants so as to appear to be granted under his Majesty.

To the 2nd Int^{r} This Dep^{t} says that he had several Warrants for lands in April 1745 dated the 15th day of said month and about a year afterwards had Patents for the same dated previous to the date of the Warrants particularly a Patent to Edward Roberts for 400 acres and one to Benj: Hollyman for 253. both in Bertie County and this Dep^{t} knows of no great injury received by any person on such account except that one Thomas Ryan lost a piece of land surveyed by this Dep^{t} for said George Gould Esq^{re} Survey^{r} Gen^{ll} in Nov: 1743 This Dep^{t} says that he this Dep^{t} has since that time seen the Patent for said Tract of Land to the said George Gould and that it bears date in July 1743.

To the 3rd Int^{r} This Deponent says that he has at several times got Warrants and Grants for several parcells of lands without having any Rights demanded of him.

To the 4th Int^{r} This Dep^{t} says that he does not exactly know how the Gov^{r} has exerted his authority in preventing matters coming to a fair Tryal or how he acted as to Commiss^{rs} of the Peace until the year 1741. The Gov^{r} and Council then granted a Commission of the Peace for Bertie County to sundry persons of which number Thomas Jackson was one which Commission was in this Dep^{ts} hands as Deputy Clerk of the said County and that soon after another Commission came to this Dep^{ts} hands both of which were dated in Sep^{r} 1741. and from the same place (to wit)

Welmington in which last Commiss^{n} the said Thomas Jacksons name was omitted and the names of George Gould and James M^{c}Dowall. And this Dep^{t} believes George Lockhart was incerted and his Excellency the Gov^{rs} Gen^{ll} custom has been to turn out Justices of the Peace peremptorily at his will and pleasure except that he gave Peter West and Mr. Buck a formal hearing and Tryal. This Dep^{t} knows not whether his Excellency the Gov^{r} has fully comply'd with an act of Ass^{bly} of this Province being an additional act for the qualification of Publick Officers but believes by the said Act no person was to be admitted into the Commiss^{n} of the Peace in this Province untill he had been a resident three years in the country where he was appointed yet contrary thereto his Excellency the Governour did appoint Will: Cathcart and George Gould Esq^{rs} Justices of the Peace in Bertie County before they had resided three years in the Government pursuant to the said Act This Dep^{t} saith he saw the Governour at his own House without any complaint of ill usuage at the day assigned for a hearing discharge an orphan boy which was bound by the Justices of Bertie Court to Thomas Jones Esq^{re} and order him to return to his mother. This Dep^{t} having a brother to said Orphan bound to him let him go also lest he should be compelled to it in like manner.

JNO: WYNNS.

The Deposition of Nath: Cooper of the Province aforesaid being of full age and duly sworn to the—

1st Inter: Saith that he knew Robert Forster Esq^{re} dece^{d} in his life time acted as Deputy Secretary during the time and acted as Clerk in his Office being near two years. He was frequently in his Office he hath seen in the said Office severall blank Patents and he beleives them to be signed by his Excellency Gabriel Johnston Esq^{re} and likewise the said blank Patents had the seal of the Province affixed to the said Patents and that the said blank Patents were filled up some several by his own hand writing as to the number of them he cannot declare and that he acted as Clerk under said Robert Forster Esq^{re} in the year 1745 and 1746.

Deponent to the 2nd Inter: says that he himself filled up the Blanks in the Patent now produced to him and that the seal of the Province was affixed to said Patents before the filling them up and likewise signed by the Gov^{r} and that the said Patent bears date 20th of April 1745 and that the said Patent was to Benjamin Holliman being for 253 acres

Said Dep^{t} to the 3rd Inter: saith—

That he doth not know where the said Secretaries office was kept but that the said Robert Forster in his life time being Clerk of Edgcomb

County and being on Roanoak in said County kept his office at his own House there in which Office this Dep^{t} saw the Blank Patents as aforesaid.

NATH: COOPER.

The Deposition of John Campbel of Bertie County Merch^{t} being of full age and duly sworn to the

1st Intr: This Deponent saith that on the 28th of Sept^{ber} 1745 near Bath Town at the House of Mr. Abrah^{m} Duncan in Mr. Edw^{d} Griffiths and this Deponents Lodging Room there were a considerable number of Warrants and Patents Blank signed by the Gov^{r} and since that time he saw John Howell Sen^{r} of Bertie County have a Blank Warrant and a Patent signed and sealed to be filled up without any date to either.

Said Depon^{t} to the 2nd Int^{ry}. Saith Cap^{t} Henry Danbuz of the Granville Frigate of London from Cork arrived at Occrocock Inlett the 6th day of July 1746 and said Cap^{t} came to Edenton on the eighth day of said Month consigned to this Dep^{t} that said Danbuz brought printed Newspapers from Cork with an account of the defeat of the Rebells army at Colloden on the 7th of April that he sent the said Danbuz immediately to the Gov^{r} with the said Newspapers the said Cap^{t} Danbuz returned on the afternoon of said Day but did not bring back the said Newspapers nor did this Dep^{t} hear of or see any rejoicings made in the Province nor of any order of the Gov^{r} to make any Bonfires on the News of joy on this agreeable News nor was said Newspapers returned to this Dep^{t} Cap^{t} Danbuz on his return from the Gov^{r} told this Dep^{t} that his Excellency seemed displeased and said he was sorry for the fate of several of the Gentlemen who fell in that Battle of Colloden

To the third Int^{ry} Says that the said ship Granville lay exposed at Occrocock Inlett and in danger of Privateers that he required leave to unlade a Brigantines Cargo called the Molley and Pegy on Board said ship in order to dispatch her from that place of danger but his Excelle^{cy} denyed his request by which the said ship was long delayed and afterwards with a valuable cargo was taken by the French on the 10th day of March at sea to the great loss of the Owner and Freighters of said ship and was the occasion of Mr. Jer: Joyas' desisting to Trade any longer from London to this Province who had carryed on a Trade and Correspondence for many years with several ships and occasioned this Dep^{t} to go for England. That in the month of Augst 1747 a ship arrived at Edenton from Liverpool consigned to this Dep^{t} and that she legally entered at the Custom House and Naval Office and unladed her

Merchandize and in October was laden with sundry commodities bound to Liverpool That this Deponent intended to depart the Province in said ship having publickly given notice of his Intentions accord^{g} to Law and when ready to depart the Gov^{r} wrote to the Collect^{r} Mr. John Hull a Letter of which this is a Copy viz: S^{ir} Eden House Oct^{r} 21st 1747. The Master of a vessel from Liverpool consigned to Cap^{t} Campbel now ready to sail from this Port has neglected to comply with one of the Acts of Trade made in the 15 Car 2^{d} upon which account I command you to seize the said vessel and to bring the master to a Tryal in the Court of Vice admiralty without loss of time

I am—Sir y^{r} h^{ble} servant G. JOHNSTON.

To the Collec^{tr} of the Customs at Edenton.

That the said Ship was delayed several days by the Coll: who refused to clear out the said ship until he said Collect^{r} went to the Gov^{r} on the 3rd day of November by which delays several days fair winds were lost and seasonable weather to get thrō the Shoals before the winter season was violent which occasioned a most dangerous passage to the said ship with loss of one mast sails and fourth part of her lading cast overboard till the 12th of March that the ship got to her port at Liverpool the Owners and this Dep^{t} being greatly injured by the illegal detention of said ship and discouraged from undertaking business to transact in this Province from his friends at London or Elsewhere.

J^{no} CAMPBELL.

To the fourth Interrogatory says that he knew Henry M^{c}Culloh the Memorialist was summoned by Mr. Allen the Receiver General to appear before the Gov^{r} in Council but what happened on said summons this Deponent referrs to the Council Minutes thereupon, the reason this Deponent says he bought upwards of twenty thousand pounds of Tobacco in the Counties of Bertie & Chowan which this Deponent was told had been received for Quit Rents and paid at the rate of nine shillings sterling ℔ C^{t} for said Tobaccos and that it was in the year 1740 and would have purchased a greater quantity at that rate that he has heard that what Tobaccos were sold that year were sold about the same price And that the Receiver General afterwards had not allowed in his Accounts above five shillings and nine pence sterling ℔ C^{t} for said Tobaccos.

J^{no} CAMPBELL.

The Depositions of Alexander M^{c}Culloch Esq^{re} Deputy Auditor of the Province aforesaid being of full age and duly sworn to the 1st Interrogatory sayeth that he well knows his Excellency the Govern-

our had Instructions from his Majesty that before any person shou'd have liberty to take up lands they should be first obliged to prove their rights and then to Petition in open Council for what is called a Warrant and after the said Warrant was returned with a Plot of the survey then they were to petition for a Patent agreable to said Warrant which Patent if granted was to be signed by the said Governour in Council and the said Governour notwithstanding his said Instructions has granted several Warrants out of Council and signed many Patents and that several of the said Warrants were not audited in which case it was in the Gov^{rs} and Surveyor Generals Power to grant Blank Warrants rents or act in any loose manner they might think proper that the cause of his knowledge is that he always attends his Office as Deputy Auditor through which Office all said Warrants and Patents do or ought to pass.

To the second Interrogatory deposeth that he has seen several Blank Patents in the room where Mr. Edward Griffith sleept at the house of one Mr. Abraham Duncan near Bath signed by the Gov^{r} but cannot exactly tell what number.

To the third Interrogatory swears he was present at two Tryalls between the Memorialist and Cap^{t} Rowan for the sum of fifteen hundred pounds or some such large sum before Enoch Hall Esq^{re} the Chief Justice of said Province and that one of the said suits was granted in favour of the Memorialist and on the other a special verdict.

The said Deponent to the fourth Interrogatory says that Enoch Hall Esq^{re} then Chief Justice before whom the aforesaid causes was tryed refused the Memorialist liberty upon the said Tryals of reading some letters of Gov^{r} Johnstons which related to the then dispute which was in favour of the said Memorialist and allowed Sam^{ll} Johnston Esq^{re} the Gov^{rs} brother to give Evidence to a Proscript or Paragraph of a Letter said to be written by the Memorialist to the Governour without producing the said letters or alledging the same to be lost. His cause of knowledge is that he was present at the said Tryal.

ALEX^{r} M^{c}CULLOCH.

The Deposition of the Rev^{d} James Moir of full age being sworn in the Holy Evangelist to the first Interrogatory says that he was at the Tryal between the Memorialist and Mathew Rowan Esq^{re} and Enoch Hall Esq^{re} Chief Justice insisted on the said Deponent giving in Evidence what passed in private conversation between the Memorialist and said Deponent thō he signified to the Court he did not think himself obliged so to do, he did not appear as an Evidence in the said cause to any other matter or subject. Samuel Johnston Esq^{re} was admitted to

give in evidence a Paragraph of one of the Memorialists Letters to his Excellency Gabriel Johnston Esq^{re}.

To the second Interrogatory the Deponent says that July 28th 1745 being Sunday in the afternoon he was informed that Cap^{t} Will: Lithgow being much in Liquor the night before by taking leave of his friends was arrested on board a vessel in which he had taken his passage to Boston He the said Deponent was prevailed upon to go in company with said Lithgow and Rob: Walker Esq^{re} then Sheriff for the County of New Hanover to the house of Roger Moore Esq^{re} where he the said Dep^{t} and said Rob^{t} Walker enquired for Nath: Rice Esq^{re} who came out of an inner room and being asked for what cause the said Lithgow had been arrested Saturday night by virtue of a precept from him the said Rice immediately the said Rice produced a Precept which he said he had given the day before to execute on said Lithgow as far as the said Dep^{t} can remember the precept was in the following words (to wit) whereas the Hon^{ble} Roger Moore Esq^{re} has made application to me and intends to bring an Indictment against Cap^{t} William Lithgow These are therefore to command you to apprehend Cap^{t} William Lithgow and bring him before me that he may enter into Recognizance signed Rice directed to George Richardson Constable. After Robert Walker and he the said Dep^{t} made some remarks upon the illegality of issuing such a Precept without Oath made of the breach of some law. Nath: Rice and Roger Moore Esq^{rs} went into another room and returning in a short time brought another Precept setting forth that whereas the Hon^{ble} Roger Moore Esq^{re} had made oath that Cap^{t} Lithgow had commenced a vexacious suit against the said Moore for burning lightwood on Land that the said Lithgow had bought of Mr. Roger Gray These therefore to command you to apprehend the said Lithgow for his appearance at the next Court of Assize the said Moore intending to indicte the said Lithgow at said Court signed Nath: Rice directed to George Richardson Constable or any other lawfull Officer The Sheriff no sooner received this Precept than he executed it upon which the said Lithgow desired the Sheriff and the s^{d} Dep^{t} to stand Bail the said Lithgow was oblidged to enter into Recognizance for his appearance in the sum of Eighty Pounds Proclamation Money and his two sureties in Forty Pounds Proclamation Money each. The Dep^{t} asked if said Lithgow might appear by his Attorney to which the said Moore answered that the Crime was of such a nature that he the said Lithgow must appear in person which induced the said Lithgow to lay aside all thoughts of proceeding on his voyage to Boston There was no suit then depending against said Lithgow nor was he indicted by the said Moore afterwards to the best of the

Dep[ts] knowledge. The said Lithgow at said Court of Assize got the said Nath: Rice & Roger Moore Esq[rs] indicted by the Grand Jury and his Excellency Gabriel Johnston Esq[re] ordered a Noli prosequi to be entered on the said Indictment. JAMES MOIR

The Deposition of Benjamin Wynns late Deputy Survey[r] of Bertie County being of full age and duly sworn to the 1[st] Interg:

He was appointed Deputy Surveyor by Mr. George Gould and had a Commission from him said George Gould for said office of Deputy Surveyor bearing date sometime before the year 1745 by virtue of which said Commission and by order of the said George Gould he surveyed lands in the Counties of Bertie and Northampton from the date of said Commission to some time in the year 1746.

Said Deponent to the 2[nd] Interrogatory says that during the time he surveyed land by virtue of the above said Commission he made Twenty Three surveys he had Warrants for all or most of them whether they were regularly issued or whether they were audited and their dates he cannot tell, whether the returns were all Pursuant to the Warrants he knows not the date of Warrants he has forgot.

Said Deponent to the third Interrogatory, says that he has seen a Patent dated the sixth day of April 1745 to which a Platt and Certificate was annexed dated the 22[nd] day of August 1745, Granted to Nicholas Baggot containing Four hundred and seventy acres of Land which Land is in Northampton County which said Land he surveyed at the time that the said Certificate bears date and the said Deponent further declares he has also seen one other Patent granted to Benjamin Hollyman for two hundred and fifty three acres bearing date the 20[th] day of April 1745 and dated the Certificate thereof on the same day he surveyed the Land and not sooner, and that he believes the said Certificate to be his proper hand writing. BENJ: WYNNS.

Thomas Ryan of Bertie County being of full age and sworn upon the Holy Evangelists to the first Interrogatory saith

That he obtained a Warrant to survey a Tract of Land beginning at the mouth of the horse Pen branch in Bertie county to contain five hundred acres which tract of land was immediately after the date of the said Warrant surveyed but this Deponent says that upon the Deputy surveyors offering to return the said Warrant he was prevented by George Gould Esq[re] then Surveyor General Pretending to this Deponent that the same was not Right done but that he the said Gould would

set it to Rights or words to that purpose says he never could obtain a pattent for the same but that some time afterwards upon stating and settling some accounts between this Deponent and the said Gould he the said Gould charged this Deponent with fifteen pounds ten shillings Curr^{t} Bill money of this Province for the above Warrant and that after that the said Gould made a second charge upon this Deponent for the sum of nineteen pounds Bill money aforesaid Fees for a Warrant to survey the aforesaid Tract of five hundred acres of Land which was Fees due to the Gov^{r} as Gould told this Deponent and for surveying the same and then delivered to this Deponent a second Warrant for said Tract which as this Deponent believes was of a far later date than the first warrant by which the said land was surveyed this Deponent doth not know neither does he believe that there was any former or prior Entry on said Tract of Land by any person whatever but says that sometime after said Tract of land was surveyed for this Deponent the aforesaid Mr. Gould had the same surveyed to his use and privately and unknown to this day obtained a patent for the same and by that means this Deponent was not only deprived of his land but of the aforesaid sum of fifteen Pounds ten shillings and the said sum of nineteen pounds Bill money aforesaid being of equal value of three Pounds nine shillings sterling.

To the second Interrogatory said Deponent swears that John Hollbrook of Bertie County aforesaid being considerably indebted to this Deponent amounting in the whole to the sum of one thousand nine hundred and Twenty three pounds curr^{t} Bill money of North Carolina equal to one hundred and ninety two pounds six shillings sterling and dying intestate this Dep^{t} applyed to his Excellency the Governour for letters of adm^{n} of said Hollbrooks estate as chief or principal Creditor and not only offered to give sufficient security such as the Law required but also to give any other security such as his Excellency should approve of to indemnify his Excellency for granting adm^{n} to this Deponent that his Excellency then requiring whether there was any heir or other person of Kin to the deceased this Deponent told him there was one Margaret Jones aunt to the defunct who lived on Tar River which was all the Kin this Deponent knows of to which his Excellency replyed that she had the Right of adm^{n} in case she claimed the same that the Deponent having so considerable a sum of money at Stake went immediately to the house of the said Margaret Jones and there agreed with her for her Right and obtained an Instrument in Writing in the nature of a Renunciation to said adm^{n} and thereby she agreed that this Deponent should have the letters of adm^{n} granted to him this Dep^{t} yet his Excellency the Governour notwithstanding the Promises refused granting adm^{n} to this Deponent and at

the same time admⁿ was granted of said estate to one Capᵗ James McDowall who pretended also to be a Creditor of said Hollbrook but for a far less sum than was due to this Deponent not exceeding as this Deponent believes Twenty or Eighty Pounds Bill Money aforesaid. That the said Margaret Jones being as this Deponent heard advised to go to the Governour this Depᵗ went with her and being asked by his Excellency what she wanted told him she wanted her Right if she had any his Excellency told her he had granted letters of admⁿ to said James McDowall of said Estate but the said Margaret Jones declaring her dislike to said McDowall having anything to do with said Estate declared he would joyn with him in said admⁿ Coll: West which this Deponent believes he did not said West never acted as admʳ by means whereof this Deponent suffered much and that to this day there is behind and unpaid of the debt due by the said Hollbrook to the Deponent the sum of seven hundred pounds Bill money aforesaid.

To the third Interrogatory this Deponent says that Richard Smith of Northampton County was indebted to this Deponent in the sum of one hundred and forty three pounds twelve shillings currᵗ Bill money of this Province for which as security he the said Smith gave this Deponent a Mortgage on a Tract of land at a place called Pea Hill in the said County which Tract was entered Warrant granted to survey the survey made and return thereof and upon Petition as usual a Grant for a Pattent ordered as this Deponent heard and believes (together with all his the said Smiths Stock of cattle horses and household goods &c: which said deed of Mortgage was acknowledged and recorded in Bertie Court in the due form of Law and that some time after the said Smith was convicted of Burglary and executed for the same and after the Execution notwithstanding his Excellency well knew of the Mortgage to this Depᵗ he afterwards as this Deponent heard and believes giving out in Speeches that said Mortgage to this Depᵗ was fraudalent Granted Letters of admⁿ of said Smiths Estate aforesaid to one John Watts Esqʳᵉ (a person much in favour with his Excellency) to the use of one then oversear to said Watts who quarrelling with said Watts afterwards was turned off and said Watts possessed himself of said Smith's estate and sold the same for a much greater sum than was pretended to be due to said Oversear which said Watts always kept till his death without ever rendring any account as by Law he ought to do or ever paying this Deponent one Farthing of his said just Debt and also Robert Forster or William Eaton Esqʳˢ or one of them was afterwards admitted to enter the said Land at Pea Hill and thereby deprived of any manner of Remedy whereby he might recover his said just Debt and this Deponent swears that the said Smith Justly

Really and Bonnafide owed him the aforesaid sum of one hundred and Forty Three pounds Twelve shillings Bill Money at the time of his death. THO: RYAN.

Answers to certain Interrogatories exhibited in behalf of Henry M^{c}Culloh Esq^{re} to Nathaniel Rice Esq^{re} Secretary of the said Province.

That Eleazar Allen Esq^{re} deceased late Receiver General of the said Province entered into a Bond for the faithfull discharge of his Office of Receiver General in the penal sum of four thousand pounds sterling with two secretaries viz^{t} myself and Cap^{t} James Innes dated in May 1735 which Bond lies in the Secretaries Office but the said Captain Innes some time after upon his leaving the Province desiring leave to withdraw his security the said Eleazar Allen entered into another Bond together with myself and Roger Moore Esq^{re} in (as I remember) the like sum and to the same effect Which Bond I had orders to send to his Excellency Gabriel Johnston Esq^{re} to remain as I supposed in his Exc^{ys} hands for that I was a party but whether I received such order and direction from his Exc^{ly} mediately or immediately I cannot be certain at this distance of time as I am from home and can have recourse to no books or papers there to refresh my Memory thō I think it was by word of mouth that his Excellency ordered me to send it to him nor do I remember certainly who it was sent by thō I think it was by the late Attorney General John Montgomery Esq^{re} deceased. The Bond is not recorded in the Office thō perhaps it may be recorded at Edenton.

The list of the Fees in the Land Office delivered Mr. M^{c}Culloh was to the best of my knowledge a true account of what the Governour and Officers took on Warrants and Grants in the year 1744 as well as before and since till the late Fee act passed which has made some alteration. There were two Fee acts before made in the time of the Proprietors one in 1715 the other in 1722 by which together with several subsequent Orders of Council occasionally made as new branches of Business were introduced and change of circumstances required the Officers regulated their Demands except in Petitions which were not always drawn by the Clerk and for which no provision was made The Governour's fee of 2^{s} 8^{d} on a Warrant whether founded on some foregoing Law or Proscription I cannot say. The Governour's Fees at that time were and are now taken (I believe) by Mr. Edward Griffith and before by Mr. Maxwell and Mr. Hamilton deceased.

Whether Mr. M^{c}Culloh desired a Copy of the Proceedings on his Petition in relation to the large survey on Pedee or if the Governour

and Council agreed to his having the same I do not remember, nor do I know whether the Governour afterwards refused to affix the Colony Seal to the said papers.

Mr. M^{c}Culloh and Cap^{t} Rowan had some dispute I remember at the Council Board in relation to the North East Survey. I remember Mr. M^{c}Culloh looking over the minute of Council of that day objected to me that the Entry was not full and observing wherein t'was deficient. I remember I took down his observations in writing but how they came afterwards to be omitted in the Minutes I do not remember but that they were not inserted in the original minute was entirely owing to hurry and inadvertency not proceeding from direction or any manner of design.

The Petition in behalf of Mr. Murray Crimble James Huey and their associates is to be seen on the Council Journal and I know of no order thereon but what appears in the said Journal. I never saw any Report of the Attorney General thereon nor do I know of any such being recorded in my Office.

I do not know that the Governour ever exerted his Authority in preventing matters being regularly entered in the Records.

For answer hereto I referr to my answer to the 4th Interrogatory—Whether I promised to enter that Writing in the Minutes, whether it was laid before the Council or how it came not to be entered I am entirely ignorant. NATH: RICE. Secretary.

The Deposition of John Rice Gen^{t} taken before James Hasell Esq^{re} Chief Justice of the said Province at New-Bern the 5th day of April 1750.

To the 1st Interrogatory: Not produced.

To the 2nd: That the Governour in the year 1744 as well as he remembers received on a Warrant for every hundred acres therein contained forty shillings old Bills of North Carolina which were equal to four shillings sterling being at Ten for one. That Mr. Edward Griffith being then Secretary to his Excellency received his Fees, that the said Griffith received on every Warrant Twenty shillings Old Bills equal to Two shillings sterling according to the Exchange aforesaid and for affixing the Colony Seal to a Patent 20^{s} equal to 2 shillings sterling. That the Secretary his Deputy or Clerks received for every Warrant and Petition for the same 40^{s} old Bills equal to four shillings sterling and for every Patent five Pounds Old Bills equal to four shillings sterling. That Mr. Alexander M^{c}Culloh was then Auditor and receiver for entring every Warrant in his office 20^{s} old Bills equal to 2 shillings sterling and for enroleing and auditing every Patent three pounds Old Bills equal to six

Shillings sterling. That the Fees received by each and every Officer as aforesaid at the time aforesaid were to the best of his knowledge deemed the proper Fees as being so either in virtue of a Law or Laws Order or Orders of Council or usuage and that there was no other Law then subsisting as he knows of but what from which the List of Fees hereto annexed was taken. JN° RICE.

State of the Governors and Officers Fees in North Carolina for Warrants for Grants of Land.

GOVERNOURS FEES.

	Procl^{m} Mo.
For a Warrant in Proportion to the Quantity for every fifty acres	" 2 " 0
For signing a Grant	" 5 " 4

GOVERNOR'S SECRETARYS FEES.

For affixing the seal	" 2 " 8

KING'S SECRETARY'S AND CLERK OF THE COUNCIL FEES.

Petition and Warrant Recording &c	" 5 " 4
Petition and Grant 13 " 4 Recording &c 2 " 8	" 16 " —

AUDITORS FEES.

For Registering the Warrant	" 2 " 8
For Registering the Grant	" 8 " —

ATTORNEY GENERALS FEES.

For examining the Grant if 400 acres or under	" 4 " —
If above 400 acres	" 6 " 8

SURVEYOR GENERALS FEES.

For entring the Warrant in his Books	" 2 " 8
For each survey not exceeding 1,000^{ac}	" 17 " 9¼
For every hundred above 1,000	" 2 " —

N. B. If the Warrant and Grant are for twice 640 acres the Governours Fee of 5^{s} 4^{d} Secretarys and Clerks of the Councils Fees are double if Treble that quantity of Land the Fees are Treble and so on.

By order of Council in Governour Burrington's time.

I hereby certify that the above is a True List of Fees as taken by the several Officers of the Crown above mentioned. N. R.

To his Excellency Gabriel Johnston Esq^re^ Governour of North Carolina in Council.

Having received by Direction of your Excellency a Copy of several Resolutions and Orders of this Hon^ble^ Board dated the 28^th^ day of June last setting forth—

That his Excellency having informed the Hon^ble^ the Council that the Attorney General in behalf of the Commissioner of the Quit Rents had applied to his Excellency for a Copy of Eleazar Allen's Bond and Security for the faithfull Execution of his Office as receiver General of this Province and having demanded their opinion and advise—The Receiver General desired first to be heard. And thereupon represented that Henry M^c^Culloh had not only given out Speeches injurious to his Reputation with regard to the discharge of his said Office but had wrote him a letter wherein he charged him with defrauding his Majesty which as the said accompts were proved before his Excellency upon Oath was indirectly accusing him of Perjury and at the same time observed that upon the like complaint in a Memorial by him exhibited to this Board in April 1745 the said Henry M^c^Culloh was cited to appear before his Excellency and the Council at their next meeting to make good this charge in the aforesaid letter or speaking as aforesaid. And that he had hitherto failed in such appearance And therefore prayed that the said Henry M^c^Culloh might be summoned again to appear before this Board to shew cause as aforesaid.

Whereupon his Excellency in Council was pleased to direct that the said Henry M^c^Culloh do lay his Commission before this Board or an attested Copy thereof at their next meeting as also his Instructions (if any such he has) whereon to found a pretention of this extraordinary Nature. And that he fail not then to appear to give in his answer to the aforesaid memorial and Representation of the Receiver General.

To all which the Commissioner of the Quit Rents begs leave to represent. That the Receiver General by the Duty of his Office is not only obliged to swear to the truth of his accounts before his Excellency But previous to that it his duty to deliver into the Deputy Auditor a specifick account of the Receipts of his Majestys Quit rents and when the Acts are laid before the Deputy Auditor for his Examination the Receiver General is to produce to him Vouchers for the several sums said to be paid to such persons as are upon the Establishment of the Quit Rents

in this Province and it is his Majesty's pleasure to impower the Commissioner of the Quit Rents to settle and adjust proper Orders and Rules to be observed for the speedy collecting receiving and accompting for the Quit rents and detecting and prosecuting any persons concealing or detaining the same And the Commissioner of the Quit Rents is further impowered by his said Commission to demand from any person or persons who shall be any ways concerned in any matters related to the Duty of his Office that they respectively at the request of the said Henry M^{c}Culloh not only permit him or such as he shall appoint to inspect any accounts entrys or other papers in their respective Custodys touching or concerning the premises or any of them but that they do also from time to time deliver or cause to be delivered to him or such as he shall appoint such attested Copies Notes or Extracts thereof or any of them as he shall desire by any Writing or Writings under his hand without any charge for the same and agreeable to the Powers granted to the said Commissioner by his Commission he is further directed. By his Majjesty's third Instruction to inspeck and examine into the accounts of the Receivers of his Majesty's Revenues in South and North Carolina and to order and direct them to lay before him an Account of all the Quit Rents they have received at what time and from whom distinguishing such accounts as have been audited from those that have not And in order to prove the truth of those Accounts the Commissioner of the Quit Rents is commanded to direct the Deputy Auditors in the said Provinces to give him the particulars of such Accounts as they have audited And that the said Henry M^{c}Culloh may be better able to inform himself what persons have paid their Quit Rents and which of them have not he is to order the said Receivers to lay before him Copies or Extracts of all Receipts that have been given for the payment of Quit Rents since 1716. and likewise to exhibit to him all Books and Vouchers in their possession that belonged to any former Receivers And by his Majesty's 17th Instruction the Commissioner of the Quit Rents he is directed to make strict Enquiry into the Methods used in the said Provinces in collecting, receiving and accompting for the Quit rents and other Revenues And in case the Commissioner of the Quit rents finds any fraud, concealment irregularity or neglect therein He is to use his utmost endeavours for redressing the same and to establish a proper Method whereby the same may be prevented for the future and whereby his Majesty's Auditor or his Deputy may be enabled more effectually to check and control the accounts exhibited by the Receiver.

From all which I humbly apprehend it will appear evident that althō the Receiver General has complyed in part in swearing to his accounts,

yet he has not complyed with his Duty in laying the proper Vouchers before the Deputy Auditor Nor in giving the Commissioner of the Quit Rents due satisfaction in producing to him the proper vouchers which he is entituled to demand from him by virtue of the Powers granted by his Majesty's commission And that if the Receiver General apprehends himself to be injured in his character by such demands it is wholly owing to himself in not acting agreeable to his Deputy in laying the proper vouchers before the Deputy Auditor And in afterwards refusing that satisfaction to the Commisioner of the Quit Rents which he is intituled to by his Commission.

The Letter that the Receiver General refers to is not in the words nor to the effect he has set forth in his last Memorial but is as follows, viz[t]

In looking over your last account of Quit rents I find you have only credited the Crown for £412: 3: 3½ sterling for the nett proceeds of Tobacco Deer-skins and Beeswax received in the several precincts in Albemarle County in pursuance of the late Quit rent Law as I apprehend you have passed receipts upon the Receipt of those Commodities for near double the sum which is brought to the Credit of his Majestys account current. I am to desire that you will transmit to me a particular account of the different species of goods that you received in payment of Quit rents and in what manner the loss arose thereupon.

The inferrences which the Receiver General is pleased to draw from my writing him this letter is not to deter or freighten me from acting in my duty agreeable to his Majesty's commands. And I apprehend it to be my duty to persist in his laying a state of those accounts before me and also in producing vouchers for the £700 sterling said to be paid to the Auditor General and for the £279: 15: 9 sterling said to be paid to William Maxwell as Deputy Auditor and £204: 10: 7½ sterling said to be paid to Mr. Maxwell as Assistant Receiver and £306: 7: 9¾ sterling said to be paid to the Deputy Auditors since Mr. Maxwell's decease. And that the Receiver General informs me by virtue of what power or authority it is that he has charged the Crown with £200 Proc[l] money as an allowance for a Clark And as the Receiver General has absolutely denied to lay a state of his accounts before me I apprehend it to be my duty agreeable to the Directions given in my commission to order the Attorney General to prosecute the Receiver General in order to bring him to an account and without I am permitted this Liberty it is in fact suspending me from the Exercise of the Duty of my Commission as it would be impossible for me to detect any Irregularity or other errors in his accounts (when at the same time the Receiver General will not comply in laying them before me) other than proceedings by due course of Law.

The Memorial said to be exhibited by the Receiver General to this Honourable Board in April 1745 I never have been served with any Copy of it nor was I ever informed until this last order of the 28th of June That your Excellency had given any orders thereupon And I beg leave further to observe that in this last order of the 28th June wherein there is mention made of six Members of his Majesties Council being present. That three of the said Members are parties to the bond in question.

That my Commission has been on Record in the Secretary's Office ever since I was sworn into my Office and that the Secretary's Office being the Office of this Board is to be deemed as proper Notice for this Honble Board of the Powers vested in me by his Majesty's said Commission. That the Secretary had it also in charge from me to record his Majesty's 2. 3. 15. 16. and 17 Instructions to the Commissioner of the Quit rents and that Mr. Fox by the Secretary's order took them out of the original Instructions accordingly. And that the Receiver General has read those original Instructions Yet nevertheless as the Secretary keeps his Office in differents parts of this Province. And that the Copy of my Commission may not be at hand in order therefore to give all due satisfaction to this Honble Board my commission and Instructions shall be laid before you.

That althō the Commissioner of the Quit rents would upon all occasions pay the greatest Deference and Respect to the Resolutions and Orders of the Honble Board in any matter that was cognizable by the Board, Yet having considered the Tendency of your last Resolution in calling upon me to answer to the Receiver General's Memorial and that such a proceeding as I humbly apprehend will in a great measure defeat his Majesty's Intentions declared in his Royal Commission and Instructions and that it is not consistent with my duty to his Majesty Nor with the Trusts reposed in me by my Commission to bring a Precedent of this Nature into Practice.

I humbly conceive that in Duty to his Majesty and support of my own Powers I am under an indispensable necessity to decline the Jurisdiction of this Honble Board and I do hereby humbly insist that the Commissioner of the Quit Rents is not ameanable to the Honble Board for anything he has done or shall do agreeable to or in pursuance of his Majesty's said Commission in the Execution of his said Office but is only ameanable and accountable for the same before his Majesty. The Right Honble the Lords Commissioners of his Majesty's Treasury and the Right Honble the Lords Commissioners for Trade and Plantation.

All which Matters and things the said Commissioner insists upon by way of Plea in Bar to the Jurisdiction of this Hon^ble^ Board—And further humbly insists that this Representation and the Proceedings had thereupon be entered at large in the Minuet of Council.

I am with greatest submission

Your Excel^cys^ most obedient & most hum^ble^ serv^t^

HENRY M^c^CULLOH.

Copy of His Majesty's 15^th^ & 16^th^ Instructions given in charge to the Commissioner of the Quit rents.

The 15^th^ Instruction

And whereas many Inconveniences have arisen from the want of a proper Regulation in the Land Offices in our said two Provinces of South and North Carolina in which they are expressly enjoined not to grant any more Lands than in the Proportion of Fifty Acres to each person in the Grantees Family which number it was our Royal Intention should have been seated and cultivated by the Persons for whom the same were so granted. In relation to which we are given to understand that in many Instances our orders have been evaded for remedy thereof we are therefore graciously pleased to declare that it is our Royal Will and Pleasure that all Persons petitioning for Lands shall previous to their obtaining a Warrant thereupon prove their Rights to such Land before the Governour and Council when at least four Members of the Council shall be present not having any concern or Interest in the Lands petitioned for and that if the Lands so petitioned for are granted accordingly in such case the Warrants for granting the same be thereupon drawn up and signed by our said Governour in Council and made returnable by the Surveyor within Twelve months at farthest from the dates thereof and a particular description of the Lands so petitioned for be incerted in the Warrants and that before the Warrants shall be delivered to the Surveyor a Doquet thereof be entred in the Auditors Office there and that in Default of any of the said particulars being observed the said Grants shall be void.

And we do further declare it to be our Royal Will and Pleasure that when the Warrants shall be returned agreeably to the Directions contained in our aforegoing Instruction the Grants shall be made out in due form and that the Forms and Conditions on which such Warrants issued and the Lands were surveyed be particularly and expressly mentioned in the respective Grants and that the said Grants shall be registered within six months from the Dates thereof in our Secretary's Office thereof also to be entered in our Auditors Office there or in Default thereof such

Grants shall be void: Copies of all which Entries our Pleasure is shall be returned regularly home by the proper Officers to the Commissioners of our Treasury or our Commissioners for Trade and Plantations within Twelve months from the date thereof.

To Nathaniel Rice Esq^{re} Sec^{ry} of his Majesty's Province of North Carolina.

Sir

In obedience to his Majesty's Commands you are hereby required strictly to observe the method and form prescribed in the above Instructions in making out of all Warrants and Grants for the future. Having at the same time a due regard to the Resolution entered into by his Majesty's Governor and Council of this Province, Dated the 25th day of September 1741.

I am Sir, &c., HENRY M^{c}CULLOH.

30th September 1744.

To his Excellency Gabriel Johnston Esq^{re}

In my letter of March 1742 I took the Liberty to represent to your Excellency that the Method and form observed in the issuing of Grants were not conformable to his Majesty's Instructions on that head; And therefore prayed that your Excellency for the future would take effectual care that no Grants should pass where the Warrants were not issued and the Grants made out agreable to his Majesty's Intentions signified by his 15th and 16th Instructions to me Copy of which has been also transmitted to your Excellency.

His Majesty in the said Instruction is also pleased to declare, That by his Instructions to his Governors they were enjoined not to grant any more Lands than in proportion to Fifty acres to every person in the Grantee's Family and that it was his Royal Intention that the Lands should be settled and cultivated by the persons for whom the same were so granted.

Before your Excellency received the above Instructions you were pleased for the most part to issue Warrants for Lands without the Parties having first proved their Rights to take up Land under his Majesty's Instructions And since the time you have been pleased to vary this form And that the Parties swear to what they Term their Rights, they are not obliged to declare whether they have not had Grants made out to them under his Majesty's Instructions to the full amount of what they have a Right to claim by virtue of the Number of persons contained in their family nor are they obliged to give any proof of their having set-

tled and cultivated or paid Quit Rents for the Lands formerly granted to them, so that the present method of issuing Warrants and Grants is so far from being a restraint upon such as have not complied with the conditions of their former Grants that it gives them an opportunity to claim double the quantity of lands they are entituled to, and the Grants not being made out agreable to the directions given by his Majesty's Instructions naturally raises an opposition to every measure that can be proposed for the Settlement of the Lands and for regulating and ascertaining the Revenues of the Crown. His Majesty has been pleased by his Commission and the Instructions to which the same relate to grant unto me full power to inspect and enquire into the present Method of passing of Grants through the several Offices in this Province and to settle and regulate the same in such manner as the Royal Intention declared in his Majesty's Instructions to his Governours may be most effectually answered.

Which I humbly conceive cannot be complyed with—as his Majesty's Instructions are not observed in the first Instance and that there is no regular stated place for the Officers of the Crown to reside in in order to attend the respective duties of their Office and also that there is not proper Officers appointed to form a Court of Exchequer nor seldom (not even for years together) any Court of Chancery held to enable the Crown to recover its just Rights or to enforce the Settlements of the Lands agreable to the conditions contained in the Grants.

I am informed it has been represented that from the Restrainments that have been laid upon the Land Office it must necessarily prevent the Settlement of this Province But from what cause I cannot comprehend as the quantity of Land which his Majesty has been graciously pleased to allow every person who wants to become an Inhabitant of this Province is more than what they can be reasonably supposed to cultivate. And I humbly conceive that it cannot be presumed with the least colour of reason that the granting of Lands to such as neither have nor shew the least inclination to settle cultivate or pay Quit Rents for the same can be of any advantage to the Crown or to the publick.

I have always had the greatest inclination to encourage such as were willing to form new Settlements in this Province and would contribute all in my power to assist them therein as I am sensible of the great Expence and Trouble (and also of the Publick advantages) that attends the same. But it cannot be inferred from thence that his Majesty's Land ought to be disposed of to such as do not shew the least disposition to comply with the Conditions of their former Grants or pay the Quit Rents that are justly due therefrom Your Excellency since your

arrival in this Province has granted Lands to the amount of 1047000 acres which at the Quit Rents reserved to the crown amount to £2094 Proclamation Money independent of the Grants formerly issued under the late Lords Proprietors and thō such as have taken out those Grants can have no reasonable plea against the payment of the Quit Rents nor can the Crown have any want of the aid of a Quit rent Law to enforce the payment of the same; yet it will appear by the Receiver General's Books that such as have Grants immediately derived under the Crown have not hitherto paid to the amount of £500 sterl: ℔ ann: I need not explain to your Excellency the Motives that induces the Inhabitants of Albemarle County not to pay their Quit rents And also the reason of their being so very urgent at present to take out Grants for Lands. There can be no objection to such as are new Settlers having Grants in pursuance to his Majesty's Instructions But such as have not complied with the conditions of their former Grants in my humble opinion are not in the least entituled to any favour of that nature. And at this Juncture I apprehend that the issuing of Grants to the Inhabitants of Albemarle County without strictly observing the Rules prescribed by his Majesty may be greatly prejudicial to my Lord Carteret's Interest. Provided that his Majesty is pleased to grant to his Lordship Albemarle County in consideration out of his Lordships Eighth part of the Province of North and South Carolina.

I intended to have waited on your Excellency but my ill state of health prevents me, therefore I apprehend it to be my duty humbly to offer to your consideration the several matters I have above hinted at.

I am &c:

Wilmington 12th July 1743.

(Copy.)

I believe this to be a true Copy. Wm HOUSTON.

The Deposition of Doctor William Houston of full age being sworn on the Holy Evangelist to the first Interrogatory says that he wrote the Original by Henry M°Culloh Esqre Memorialist's order and believes that Alexr M°Culloh the Auditor had it to deliver to his Excellcy Gabriel Johnston Esqre Govr as to the purport of the said Letter he referrs to a Copy thereof hereunto annexed and signed by him and believes the same to be a true Copy.

The Deponent to the second Interrogatory swears that he had a certain paper or agreement signed by Mathew Rowan Esqre and he proved the same before Rufus Marsden Notary Publick at Wilmington in May 1744 which agreement was in the words following to wit Whereas his

Excellency Gabriel Johnston Esq^re^ Governour of his Majesty's Province of North Carolina hath appointed me Surveyor General of the said Province I do hereby promise to be accountable upon demand for all the Fees and Profits that shall arise or become due on the return of Warrants and to pay to Cap^t^ Samuel Woodard of the said Province one Moiety or half of said Fees when I receive it and one half of the Salary when received as Witness my hand and seal this fourth day of March $173\frac{7}{8}$

Signed MATH. ROWAN. (×)
And witnessed W^m^ HOUSTON.
ATCHISON ROWAN
JOHN WHITE.

Mr. M^c^Culloh's reply to the Answer given by Governor Johnston to the several Articles of Complaint contained in Mr. M^c^Culloh's Memorial.

To the Right Honourable the Lords Commissioners for Trade and Plantation.

MAY IT PLEASE YOUR LORDSHIPS,

On the hearing of the former part of this Complaint, I have endeavoured to demonstrate that the Governour hath used every art & contrivance, to stifle all information to your Lordships, to disguise facts and if possible to divert and draw your Lordships attention to an other object by artfully contriving several charges against your Memorialist, in matters for which (as he humbly conceives) he is not in the least responsible.

Therefore the better to explain the nature and true design of the said Governor's proceedings and to follow him through all his intricacies and mazes, and also to show that the whole of what he hath set forth in his answer is grounded upon wrong principles, and supported by evidences purposely contrived and framed to give a colourable pretence to his plea

I conceive it to be a duty incumbent on your Memorialist, humbly to offer to your Lordship's consideration several remarks on the evidence transmitted by the said Governor to your Lordships and afterwards to demonstrate that the evidences transmitted by him, do not in the least justify or excuse him from the charges in the said complaint, nor that he hath been able (notwithstanding his utmost endeavours and efforts to vilify and asperse your Memorialist) to produce one single evidence in support of the many heavy charges he hath brought against your Memorialist.

It is impossible for any person however innocent, to guard against the force of malice or detraction but in all such cases, false and virulent charges, will revert back upon the first author or contrivers of them, in

case there be not proper evidences to support the same, or that undue methods be taken in leading and preparing the Evidences. Therefore your Memorialist humbly submits to your Lordships consideration the following remarks on the said Governor's proofs, viz.

The evidence given by John Rice Deputy Secretary is conceived to be evasive as he seldom or ever draws petitions for warrants of Lands, his saying that he hath prepared all such Petitions as he hath drawn agreable to the form annexed to his said Evidence proves nothing, and he also equivocates grossly in what he says relating to the Instructions No. 1 and 2.

His Father keeps one of the Secretary's Offices in his own house near Brunswick, a second office is kept in Edenton, a third in Newbern & a fourth in Edgcomb County, So that John Rice only swears that the said Instructions are the sole Instructions recorded in the office in Newbern, although he well knew that he had taken Copies of seventeen of His Majesty's Instructions to your Memorialist and entered them in the Secretary's Office near Brunswick, besides the form of the warrant by him referred to is not in any respect agreable to His Majestie's Instruction, as the rights proved ought to be specified in the warrant.

Edward Griffith swears that he acted as the said Governor's Secretary for eight years, although he constantly resides near one hundred miles from him and one Mr. Lovick who lives with the said Governor hath always been deemed the Governor's Secretary, but admitting the fact to be as Mr. Griffith represents it, what motive could the said Gov^{r} have to leave blank patents with his Secretary when by his Majestie's Instructions he is expressly enjoined to authenticate the same in Council, or can it be deemed any apology for the said Governor if he really had been in a hurry to do an illegal act contrary to all the forms of business and in contempt of His Majestie's Instructions, it is said indeed to be the first time of the said Governor's having done so, but this is a common pretence in all cases wherein persons act contrary to their duty yet it is demonstrable from the evidences which have been read to your Lordships that the said Governor made a common practice of issuing blank warrants and Grants, which in many respects may be fatal to his Majestie's Subjects in the said Colony.

Mathew Rowan, Esq^{re} being interrogated by the said Governor whether he knew of any agreement between the said Governor and Captain Woodward when the said Rowan received His Majestie's warrant for twelve hundred thousand acres of Land, gives an evasive answer, saying that he doth not know of any Agreement whatsoever, both the question and the answer are wrong, for the said Governor is charged with

having entered into an agreement with the said Rowan to pay the moiety of his Salary and Fees into Captain Woodward's hands, but he is not charged with having entered into any agreement with Woodward, however the said Rowan must have known of the said Agreement as the original paper signed by him hath been proved and evidence thereof transmitted to your Lordships.

John Sampson Esq^{re} swears that he was Sheriff of the County when Mathew Rowan Esq^{re} took out an action against Mr. Henry M^{c}Culloh and that he never knew or heard that the said Henry M^{c}Culloh was in close confinement, but on the contrary that he was always at large to go into what part of the Province he thought proper. It is not charged in the Petition of complaint that your Memorialist ever was in close confinement but that he was in the Custody of the Sheriff for upwards of eighteen months, Mr. Sampson would have done well to have expressed from what motive the said Henry M^{c}Culloh had the liberty of going into any part of the Province he thought proper.

What the said Governor transmits as his 5th Voucher is an Evidence of his own framing curtailed and parcelled from other papers which were formerly sent to him, and although he untruly represents in his said Answer to your Memorialists Petition of Complaint, that the said Paper was upon record yet in truth it never was or could be so in the shape he sent it, and accordingly the Secretary hath not certified the said paper.

The said Governor affixing the seal of the Colony to the Copy of any Paper said to be sent to him which is neither proved nor authenticated in any shape whatsoever, cannot make that an evidence which was not so before, nor as humbly conceived can such a paper be read in evidence consistent with the practise in business, as it would break in upon all the rules of office, besides what he would infer from the said paper is fully and plainly contradicted by every step taken by the said Gov^{r} and your Mem^{t} previous to and at the time of making out the Grants as may more fully appear by the Copy of a Memorial delivered to the said Gov^{r} in 174$\frac{5}{6}$, and by the said Governor's declaration and Order thereon to the Attorney General—And although the said Governor hath prevented the Secretary from transmitting the said Memorial, yet the original is now present, ready to be produced to your Lordships, and the said Governor's hand writing thereto can (if required) be proved.

The sixth Voucher transmitted by the said Governor to your Lordships is a Copy of Mr. Allen's representation to the said Governor and Council at New Bern the 6th day of April 1745. Wherein your Memorialist is called upon to answer before the said Governor and Council for doing an Act strictly conformable to his duty, and in obedience to his Majestie's instructions.

If an Officer doth anything unreasonable or unwarrantable he is certainly in many Cases answerable to the Governor for his conduct, but to call an Officer upon his Trial for doing that which he is directed to do by his Majesty can have no other tendency than to obstruct him in the due execution of his Office.

Your Memorialist begs leave further to remark that although it is said there was an order to the Secretary for him to have notice to attend, yet he never was served with any such notice nor ever had the least intimation of the said representation until October or November 1746. And as this was charged in your Memorialist's Representation delivered to the said Governor in Council in November 1746 the Secretary ought to have given proof of the said service (if any such had been) which he hath not done in the papers transmitted to your Lordships.

The seventh Voucher transmitted by the said Governor to your Lordships is Mr. Allen's Memorial to the said Governor in Council dated the 28th June 1746. Whereby he endeavours to prevent your Memorialist from examining into the state of his accounts and insinuates as if his Accounts had been regularly audited and passed, although he never had one account regularly audited or passed from the year 1736 until the day of his death.

The said Governor & Council (three of whom were Parties to the bond in question) taking the said Memorial into consideration called upon the Attorney General and censured him for applying to the said Governor for the Receiver General's bond and thereby silenced the said Attorney General on that head. And further to intimidate your Memt and call him upon his trial for acting agreable to His Majesty's Instructions he is ordered to appear and answer for his conduct at the then next Council to be held at Wilmington in November 1746.

It is very observable that when the said Bond for four thousand pounds sterling was applied for to the said Governor the Attorney General was then censured for not taking a Copy thereof out of the Secretary's Office, but since Mr. Allen's death the said Secretary says in answer to his first Interrogatory that the said Bond of four thousand pounds was not upon record in his said office and that he sent the Original to the said Governor who now affirms that he hath not the Original so that the said Governor and Council formerly stifled all enquiry into the receiver's Accounts and now he is dead the said bond of four thousand pounds is not to be found or the Copy thereof on record so as to give any remedy to the Crown against the said receivers Securities.

On examining into Joseph Anderson Esqr's Deposition it will (as humbly conceived) appear evident to your Lordships that both he and

the said Governor combined to dispense with the Laws and to sacrifice Mr. Lithgow to the said Governor's private views and motives of interest in supporting Mr. Rice the Secretary and Roger Moore one of the Council in such extraordinary and unheard of Acts of Violence as they had been guilty of against the said Lithgow.

The said Governor's Plea of his being ignorant of the Law, and of his acting agreable to the advice of the Attorney General is a common and stale pretence and cannot serve him in the present case, as the most ignorant man in the Colony if endowed with an honest heart must be shocked at such arbitrary and cruel proceedings.

In the Interrogatories exhibited to the Deputy Auditor in behalf of the said Governor and by him referred to in his eighth Voucher he hath used all the finesse in his power and endeavoured to draw the Deputy Auditor into a snare in even accusing himself of things whereof he had not any knowledge, and to cover this design, he never served the Deputy Auditor or your Memorialist's Agent with a Copy of what he intended to transmit as a rent roll, or with a Copy of his Answer to your Memorialist's Complaint, so as to enable them to expose that gross Deception he hath attempted in sending an imperfect Copy of the records to your Lordships.

The rent roll transmitted to the Auditor General by his said Deputy will fully demonstrate the said Governor's unfair Proceedings and likewise shew that the said rent roll is considerably more than the Establishment of the Officers' Salary in the said Province in case the said Governor had not screened or protected the receiver in not delivering a full and just account of the receipts of His Majesty's revenue of Quit rents.

That the said Deputy Auditor was often at a loss in returning yearly to the Receiver an Account of the Grants issued, was entirely owing to the said Governor's irregular method of proceeding in issuing blank warrants & Grants contrary to all the forms of Law and Justice and contrary to His Majesty's Instructions on that head.

The Evidence of Samuel Swann Esq^{re} at the instance of the said Governor and in behalf of Enoch Hall Esq^{re} the chief Justice, is of a very extraordinary nature and shows what some Gentlemen even of Character and fortune may be brought to by the influence of a Governor, he deposeth that your Mem^{t} had a fair & impartial Trial in the suits depending between Mathew Rowan Esq^{re} and your Memorialist but if anything is meant or can be reasonably understood from the said Deposition it must be that the Jury acted impartially in acquitting your Mem^{t} and yet (as humbly conceived) it never can be understood with any colour of reason to mean that the Chief Justice acted fairly and

impartially in insisting on any Persons betraying the private conversation of his friend or that any Jury could consistently with Law or reason permit the Postcript of a letter to be given in evidence without producing the letter in court or even alledging that the same was lost. However the said Evidence is transmitted only as an opinion & no way contradictory to the Evidences given in your Mem^{t}'^{s} behalf on that head.

Having remarked on the several Evidences transmitted to your Lordships by the said Governor your Mem^{t} in all humble manner conceives that there is not anything contained therein which can in the least defend or justify the Governor's Conduct or impeach and lessen the Credit of the Evidences transmitted to your Lordships in support of your Mem^{t}'^{s} Petition of Complaint, but on the other hand considering the great power and influence of the said Governor and that he hath the records in a great measure under his own power and direction, the Lawyers and attorneys of the Court depending on him for their Licences to plead or act, and also that he lately hath new modelled the whole of the Magistrates in the said Province, it is matter of surprise that the evidences transmitted in behalf of your Mem^{t} are so clear, strong and free from all reasonable exceptions.

Your Memorialist's intention in so taking a Survey of the several Evidences transmitted by the said Governor, is thereby to demonstrate to your Lordship that he in his whole Answer had not any regard to truth, or to any evidences to support the several matters charged by him, but only laid down (to the utmost of his ability) a plausible plan to expatiate on, and then follow the said plan as if it had been supported by Truth and the evidence of Facts.

All which (as humbly conceived) will appear evident on considering the said Governor's Answer when compared with the Evidences transmitted by him.

In the very first outset he untruly represents the Powers lodged in your Memorialist as Commissioner and Comptroller of His Majestie's Quit Rents, he had not any Power to call for the Title Deeds of the Planters in South and North Carolina, other than what was persuasive in informing them of the nature of His Majesty's Instructions, that His Majesty would be graciously pleased to confirm all Titles to Lands on the terms therein expressed, provided the parties would record their Grants, and the Commissioner of the Quit rents had not any determinative power to confirm Titles & free the Possessors of Lands from any further trouble forever, nor did your Mem^{t} ever attempt to exercise that power, so that the invidious reflection made by the said Governor is

wholly his own invention and the Commissioner of the Quit rents can with justice appeal to the Right Hon^ble^ the Lords of the Treasury, and to your Lordships, whether he hath not frequently and on all occasions fully represented the state of the revenue and the difficulties or obstructions industriously thrown in his way, and if it should be your Lordships pleasure to enter into a detail of that matter he is ready to point out the several representations he made on that head.

And although the said Governor was very instrumental in obstructing your Mem^t^ in the execution of his said office, yet he now contrary to all justice and reason loudly complains of your Memorialist not having done things which the said obstructions rendered impracticable.

The said Governor further charges that although he and every body else were sensible that your Mem^t^ had procured his Instructions by false suggestions, yet he hath not been guilty of any breach of the said Instructions.

The said Governor would have done well before he attacked the wisdom and judgment of the right honourable the Lords of His Majestie's most Honorable Privy Council and the Right Hon^ble^ the Lords of the Treasury to have pointed out in what particular they had been surprized on advising His Majesty to take the said Measures, but that was not in his power, as it is not possible to conceive how regulating the Land Office and keeping one uniform method of proceeding in the Records could be of any disservice to His Majesty or the least advantage to your Mem^t^ in the disposal of any Lands wherein he is concerned, however it is easy to judge in what respects the said Governor may think himself injured thereby in being prevented from issuing blank warrants and Grants for Lands in the manner hitherto practised by him.

Your Memorialist as the said Governor sets forth in the third paragraph of his said Answer hath all along taken it for granted that everything relating to His Majesty's Lands in the said Province was in great confusion or disorder before his arrival there, and the said Governor in his own representation to your Lordships in hath fully set forth the confused state of the Colony in relation to the old proprietory Grants, and the Auditor General's report to the Hon^ble^ House of Commons in 1740 shew that neither he nor his Deputies had ever been able to procure a rent roll and further the several Evidences now transmitted to your Lordships in relation to the said Gov^rs^ method of issuing warrants and Grants fully and clearly demonstrate that whatever the said Governor's pretensions are of having obeyed His Majesty's Instructions, yet he hath not acted agreeable thereto, and by the very measures which he hath taken he must necessarily introduce the greatest confusion in the records and unhinge the property of the subject.

What the Governor says of any disputes not having been in relation to the property of Lands is repugnant to truth, for your Mem^{t} hath really known fifty instances to the contrary but then the Governor and Council generally assume the priviledge of determining those disputes in Council.

The said Governor in the fourth Paragraph of his said Answer denys that your Mem^{t} did ever desire him not to issue any new Grants to persons who were in arrear of Quit rents although he was frequently moved thereto, and the said matter was particularly recommended to the said Gov^{r} in a Letter written to him by your M^{t} which said Letter is certified and sworn to by Doct^{r} Houston.

The said Governor ought to have mentioned at what time he pursued the said measure, and where that standing Order of Council by him referred to can be found.

The said Governor in the fifth Paragraph of his said Answer denys his having ever signed any blank patents except once when he was called away on a sudden upon an extraordinary emergency—but he is not pleased to mention what that sudden and extraordinary emergency was, nor from what motive he left the Grants with the Secretary, as by His Majesty's instructions, no Grant is to be issued but in Council and agreable to the forms therein prescribed.

The said Governor in the sixth Paragraph of his Answer is pleased to assert that your Mem^{t} had given a very wrong account of the affair relating to Mr. Allen's Bond, but Mr. Allens representations, the letter written to him by your Memorialist and his representation to the Govern^{r} in Council in November 1746 (which are all transmitted to your Lordships) will fully demonstrate the truth of what your Mem^{t} hath represented on that head, and shew that the said Governor hath not fairly or impartially stated the said Case.

The said Governor and Council could have no motive in calling on your Mem^{t} to give an account of his conduct in a matter strictly agreable to his Majesty's Instructions other than to obstruct him in the execution of his duty, and the proceedings since had in relation to the said receiver's Bond of four thousand pounds sterling fully evince the truth of that matter.

And that Mr. Allen often threatened to take out an action of ten thousand pounds against your Memorialist, is well known to several persons in the said province.

The said Governor is also pleased to accuse your Mem^{t} of a shameful misrepresentation of such matters as relate to the Grants of Lands wherein he is concerned, in North Carolina without being able to shew

any one particular wherein he misrepresented the same, and afterwards the said Governor artfully endeavoured to divert your Lordships attention and draw it to new objects so as to prevent an enquiry into his Conduct.

If what the said Governor alledges had been true, and that he had been apprized of any attempt to deceive or impose on the crown it was a duty incumbent on him to have informed His Majesty thereof before he issued the said Grants, But this is all of a piece with his other conduct, he readily asserts anything which he thinks will make for his advantage if he can find the least colourable pretence for so doing & that appears evident in the prosecution of the present case.

By His Majesty's Order in Council dated 19th May 1737 Murray Crymble, James Huey and their Associates were entituled to take out the Grants in such proportions as they thought proper to direct, provided that no Grant should contain less than twelve thousand acres the Grantees were not limitted in number nor as to their respective shares or proportions of the said Lands, & it was at that time the opinion of the right honble the Lords of His Majestie's most honble Privy Council and of the right honble the Lords Comrs for Trade and Plantation that provided the parties advanced so great a sum as would be necessary to discharge the Fees on such a large quantity of Land on the back and extreme parts of the Colony it would be a sufficient inducement or motive to them for prosecuting the settlement, and that in case the said settlement should miscarry or not be fully completed such proportion of the said Lands as was not settled should revert to the crown, and also that as fifty millions of vacant land and upwards then remained in the said Colony, so their Lordships were induced thereby to declare as their opinion that it might be for the service of the crown to permit the Petitioners and their Associates to undertake the settlement of those vacant Lands on the terms and under the conditions or restrictions expressed in the said Order, And in all probability had the said Grantees not met with any obstructions from the said Governor that settlement would have been carried on with great advantage to the crown, to the Colony, and to all the Parties concerned therein, and even as the affair of the Grant now stands it is not easy to conceive how the Colony can be injured, especially considering that the settlements therein are really become a very useful frontier to the Province and have been the means of increasing the inner settlements.

Before the said Governor received his Fees he had not any Objections to the legality of the said Grants, but after he received the said Fees and exacted even more than he was justly entitled to On finding that the said

settlement increased much faster than reasonably could have been expected he began to change his sentiments, to obstruct the said Settlement and to represent everything relating to the said Grants in the most disadvantageous light and in consequence thereof he and Colonel Moseley in 1746 (being upwards of eighteen months after the right hon^ble^ the Earl of Granvilles Grant was made out by the Crown) jointly agreed to run a new line from the place where the Commissioners formerly appointed by His Majesty had ended their line, and so to manage or contrive that in running that new line most of the lands belonging to your Mem^t^ were taken up into the said Earl's Division. Your Memorialist doth not pretend to determine whether the right hon^ble^ the Earl of Granville's line might or might not be extended after the date of his said Grant if His Majesty had been consulted thereon, but humbly submits that point to your Lordships or to His Majesty's Attorney General, as the most proper Judges thereof.

Nevertheless your Mem^t^ prays leave humbly to observe that the power granted to the said Gov^r^ for appointing five Commissioners in conjunction with the like number to be appointed by the said Earl was limited to eighteen months from 15^th^ September 1742, and that the said Governor had not any power from his Majesty nor could in any wise authorize or appoint any Comm^rs^ in 1746, to extend the said Earl's line unless he had received fresh Directions fron His Majesty on that head, And your Mem^t^ also prays leave to observe that if the said Governor had been of opinion that the said Earl was intituled to have the former line extended, yet his so taking Fees and issuing Grants to the said Murray Crymble, James Huey and their Associates was a fraud or deception of the highest degree. The intrigues which have been constantly carried on between the said Governor and Colonel Moseley since that time have been the first rise and cause of all the disputes which lately subsisted in the said Colony, and the principal motive in passing the law for regulating the Members of Assembly in order thereby to make way for the Currency and Quit rent Laws, which as humbly conceived are really calculated to raise vast sums of money under the plausible pretence of erecting forts, and also calculated to unhinge the property of many thousand people in the northern Counties.

What the said Governor represents as to the Property of the said Grant being wholly in your Mem^t^ is without the least foundation, as may appear by his own order to the Attorney General for making out the Grants, from the very Grants themselves and from the Associates who really are Parties in the said Grants, but all that is foreign to the present matter of complaint and calculated merely to avoid or frustrate any

enquiry into the matters complained of by your Mem^{t} however it is humbly hoped that this matter will be attended to & considered hereafter, and that in consequence thereof your Lordships will be pleased to examine carefully into the mixed state of the Grants in the said Colony, and whatever your Lordships pleasure may be on that head your Memorialist will as far as it relates to him most readily acquiesce therein.

The said Governor in a very evasive manner denys the stipulation really agreed on between him and the Surveyor General, saying only that it was not in favour of Mr. Woodward, but the original agreement hath been produced and fully proved by the person who had it in his possession.

What the said Governor is pleased to represent in relation to the Courts of Chancery is also very evasive, as according to the Law by him referred to, but not transmitted to your Lordships the Courts of Chancery ought to be held at the meeting of the said Governour, Council and Assembly, and if the said Gov^{r} had really thought himself at liberty to call the Assembly elsewhere, he was also at liberty to hold the Court of Chancery.

What your Memorialist charged in relation to injunctions hath to his knowledge been frequently complained of by all the Lawyers in the said Colony, and if the Governor had been innocent in that respect he could easily have procured one or two of the most eminent of the Lawyers there to certify the falsity of the said Charge, but that would not answer his purpose wherefore he hath injoined silence under the penalty of withdrawing their Licences to plead.

What the said Governor represents in relation to Lithgow is quite contrary to the evidence by him transmitted to your Lordships, for it thereby appears that both the said Governor and the said Attorney General had agreed to sacrifice that poor man to the resentment of Mr. Rice and Mr. Moore so as to forward a reconciliation between the said Governor and them.

The said Governor is pleased to say that four pieces of Cannon are planted on one of the batteries there, but hath not transmitted any proof thereof, however it is evident that the said Governor could not be under the least necessity of giving his assent to the Currency Act without inserting a suspending clause therein, as four pieces of old rusty cannon could not be of any use to four or five different batteries in time of war, so in truth the war was made a pretence for unjustly passing the said Law contrary to His Maj$^{ty's}$ Instruction, and the said Batteries a pretext for raising six or seven thousand pounds sterling to be applied as the said Governor & Col. Mosely thought proper.

In the next paragraph the said Governor untruly denies that any of His Majestie's Govrs in America ordered publick rejoicings on occasion of His royal Highnesse's victory over the Rebels at Culloden in Scotland, for Governor Gooch can testify the contrary to be true, and what Governor Johnston says of your Memorialist having represented him as a Jacobite and that he turned the poor palatines out of their lands to make room for Scotch rebells, is a very wrong suggestion for your Mem never did directly or indirectly say anything to that or the like effect.

If the said Governor's difficulties and discouragements (as he represents) had arisen from the unequal representation of the Lower House of Assembly it is humbly conceived that he ought (in discharge of his duty) to have represented the same to his Majesty from whom only he could have expected aid or relief—And not to have applied himself to a Faction in the Assembly who had not any power to take cognizance thereof but the truth was if he had duly followed the regular course of proceeding he would not have found anything worthy of Censure in the northern Members, nor could he or Colonel Moseley have had it in their power to introduce the Currency and Quit rent Laws, from which they have engrossed considerable sums of money to themselves.

The Apology which the said Governor makes in the next paragraph for himself and the late Receiver General, seems at first view a little plausible, but when it is duly considered that he at all times screened the said Receiver from being brought to a regular account, that he issued blank warrants and Grants, that he took exorbitant Fees upon all warrants and Grants of any nature whatsoever, and that he still kept open his claim for arrears of salary against the Crown, there is not any wonder (especially considering the principles of the man) that he chose to act that part.

What the said Governor urges in relation to the repeal of the Quit rent Law in 1739 is of an extraordinary nature, for he under colour of that Law, assumed a power to determine the value of the Currency every year and also to determine the property of the subjects as to Lands in a summary manner, without any Trial by Jury which powers never would be granted or assented to under an English Government, and all which the said Governor further represented in relation to the said Rent roll is without the least foundation in truth for the Deputy Auditor in 1745 transmitted to the Auditor General a rent roll which appears to be considerably more than the salaries payable to the Officers on that Establishment and it may reasonably be presumed that had not the said Governor deviated from his duty in protecting the receiver all the said Officers salaries would have been entirely discharged, and a surplus remaining to the Crown.

The reason of the said Deputy Auditors not granting Debentures to the said Officers was that the Receiver General had not for seven years before his death produced Vouchers for any money said to be paid by him to the said Governor &c., and consequently the said Deputy Auditor could not make out Debentures, without having the Vouchers delivered to him whereby he might be enabled to judge what arrear was due to each of the said Officers on the said Establishment, and the said Deputy Auditor hath also been laid under many other difficulties in continuing the said Rent Roll, as appears by the evidences transmitted to your Lordships, and that the said Governor hath in most respects acted contrary to His Majestie's Instructions, especially in the manner of his issuing warrants and Grants for Lands.

What the said Governor represents in relation to the Harmony & good understanding he endeavoured to keep up with your Memorialist very ill suits with the whole of his conduct since your Mem^{t} went to Carolina, but the said Gov^{r} during the time of his acquaintance with your Mem^{t} in England did endeavour to keep up such understanding particularly from the year 1726. until 1734 while he was almost wholly supported by the money advanced to him by your Mem^{t} who not only paid the Fees of his Commission Freighted a ship at his own expense to carry the said Governor and his retinue to his said Government, bought plate and furniture for his house and (that he might not be immediately in want of money on his arrival there) gave credit to him for two hundred and fifty pounds sterling, so that in the whole your Memorialist was really in advance for him two thousand nine hundred pounds sterling and upwards (as may appear by his Bonds deposited with the said Enoch Hall) All which your Mem^{t} did without any real security, but what was the return of all this kindness, On getting His Majesty's Order of Council into his hands ungratefully makes a private agreement with the Surveyor to have half the Fees and Salary of his Office, and then he and the Surveyor and other Officers demanded no less than seven thousand pounds proclamation money for the said Fees, and moreover the said Governor for his own fees not only demanded a full discharge for the whole debt due to him from your Mem^{t} but on your Mem^{t}'s objecting to those unreasonable demands, the said Surveyor entered actions against your Mem^{t} and the said Governor in concert with his party did from that moment continually vex and harass your Mem^{t} until the time of his leaving the said Province.

And now your Memorialist doth with all possible respect appeal to your Lordships whether it is in the least probable or even credible that under those circumstances your Mem^{t} would in any wise apply or attempt

to make the said Governor's instructions subservient to any schemes in jobbing his Lands, or whether it was even possible as your Mem^{t} never had possession of any part of the said lands until the 3^{d} March 174$\frac{5}{6}$.

What the said Governor further charges against your Mem^{t} as having jobbed his lands on all the way to Boston, is a mere contrivance of his own, for in truth your Mem^{t} never did attempt anything of that nature, but on missing his passage in Virginia, he and his family proceeded with all possible expedition to Boston in order to sail for England.

The said Governor further represents that your Mem^{t} and his open and avowed Agents have done all in their power to excite the people to a rebellion and would certainly have succeeded if things had not been managed by him with great temper and moderation, This indeed is a vile and malicious charge without any proof or colour of truth, but if any such thing had been attempted or that your Mem^{t} had in the least deviated from his duty in that particular, the said Governor could upon any information thereof have proved it so that this charge is not only improbable and all of a piece with his other groundless calumnies & false charges, but wholly a base contrivance of his own, for your Mem^{t} did not continue in the said Province six months after the said Governor laid the foundation of the dispute with the Northern Counties, nor was your Mem^{t} ever in any of the Northern Counties after passing the Law at Wilmington until his departure from the said Colony, except only in his passage through them to Virginia on his way to Boston.

And as your Memorialist hath been sometimes represented to be an Agent for the Northern Counties, so they at other times are represented as his Agents but the real truth of the matter is as follows viz^{t}

Your Mem^{t} having discovered that the said Governor and Colonel Moseley had jointly entered into schemes contrary to His Majesty's Instructions, without any regard to the rights and properties of the people, and that your Mem^{ts} private property was not only invaded but measures taken to prevent him from leaving that Colony, did from all those motives deem himself under an absolute necessity in acting the part he did in engaging to represent the case of the said Northern Counties to the Crown, and humbly hopes that he in so doing hath not in any wise offended or departed from his duty especially for that it would indeed be criminal in any officer to oppose the said Governor in the execution of his Office which your Mem^{t} (as he most solemnly affirms & declares) never did, nor ever persuaded or advised any other person to do.

On the other hand your Memorialist humbly conceives that it cannot justly be deemed a crime or offence in any Officer of the Crown humbly to represent the Grievances of the Subjects in the said distant Colonies to

His Majesty as being their sovereign, best able and most willing to ease and relieve them in all respects especially under the arbitrary & tyrannical administration of a Governor obstinately acting in all matters contrary to the royal Instructions.

As to the particular charge of your Mem^{t} being an Agent for the said Northern Counties he denies his being such in any other respect than as above represented. And as in truth he hath not any salary or allowance whatsoever for his trouble about them so he doth not expect ever to be paid for the same.

The said Governor hath in the last Paragraph of his said Answer unjustly charged your Mem^{t} with having taken all methods to keep the matters in dispute from coming to a speedy issue, and also charged him with not having sent your Lordship's Order until the middle of November, and although the sickness and death which happened in his family might have given some delay yet your Mem^{t} can with great truth averr to your Lordships that he sent the said papers by the very first ship which (as he was informed) sailed to Virginia, and that he never wilfully gave the least delay in those matters, but on the other hand the said Governor who is so forward to accuse without any just cause, never served your Mem^{ts} Agents with a Copy of his Answer, and thereby prevented them from sending several proofs which would have been necessary in the present case, and altho' the said Answer hath been in England for near twelve months and made use of in different shapes not only at your Lordship's Board but at the Treasury in order to represent your Mem^{t} in the most disadvantageous light yet he never heard or knew of the same until very lately nor was he ever served with a Copy thereof until 9th May last. For all the above mentioned reasons your Memorialist doth most humbly hope that on considering all the said several evidences transmitted to your Lordships, that you will be of opinion that all the charges by him laid against the said Governor are fully & clearly proved, and that on the contrary the evidences transmitted by the said Gov^{r} do not in the least justify or excuse his conduct, and also that the said Governor hath not been able after all his artful endeavours and utmost efforts to vilify or asperse your Mem^{t} to produce one single evidence in support of the many iniquitous charges which he brought against your Mem^{t}

The nature and duty of your Memorialist's office is such as must naturally create him many enemies, although he hath constantly acted under His Majesty's Commission and the Instructions thereunto relating with the greatest care and circumspection, but what support he hath met with in the execution of his said Office doth not now become him to mention,

further than that it would have been better for him to be punished with death than to suffer all the arbitrary and cruel acts of Power to which an Officer in your Mem^ts^ circumstances may be exposed by being left wholly subject to the violent hatred & resentment of his merciless enemies.

Humanity and Compassion are the most distinguishing Characteristics of the English Nobility and will upon all fit occasions shew itself.

It is therefore most humbly hoped that your Lordships will out of your great goodness and tender regard to the injured, compassionate your Memorialist's miserable and defenceless state, and that you will be pleased to recommend him to his Majesty as an object worthy of his Royal Compassion &c.

Received June 12th 1751.

[B. P. R. O. North Carolina. B. T. Vol. 11. B. 74 and 75.]

THE NORTHERN COUNTIES vs. GOV. JOHNSTON—LEGISLATIVE REPRESENTATION.

North Carolina March 9th 174$\frac{6}{7}$

My Lords [of the Board of Trade]

I have the Honour to send along with this an Attested Copy of a Law for regulating of Elections in this Province passed in December last at Wilmington, which I just took the Liberty in the close of my Letter to Your Lordships of the 5th of January last:

I have taken this first opportunity to transmit it, because in my Opinion it is of the greatest Consequence to the maintenance of his Majesty's Authority and just Perogative, as well as of considerable Advantage to his Subjects in this Colony.

That Your Lordships may form a better Judgement of this Affair, I send a short and plain State of it as follows

This Province is divided into Seventeen Counties and four Towns, who send Representatives to the House of Burgesses. Of these six Counties lying towards the North East were by the late Law for Biennial Elections entitled to send Five Members each to the General Assembly, the other Eleven never pretended to send more than two, and one from each Town, whereof one only belongs to the Northern Division

Another clause in this Biennial Law enacted that the House of Burgesses should not proceed to Business till a Majority of the Members was present. By this means they had thirty one Votes out of Fifty four,

which is the full number of the Representatives of this Colony. And being generally united under the conduct of a few designing Men who found their account in Keeping Public Affairs in confusion they have made the Governour and Council, and the remaining Members of no weight in the Legislature for they could not so much as meet unless they thought fit to be present and after they were met if they did not like any Bill, they withdrew Privately and then the Majority of Burgesses being absent, no more Business could be done, so that the very being of Assemblies depended on their whim and Humour, and not on the Kings Writ; and Governours Proclamation and Prorogation.

This is no Imaginary Consequence, but a real effect which has happened more than once within these four years past, when I have waited with the Council for three or four weeks and been obliged to Separate without doing any one thing

When I prorogued the Assembly in June last till the middle of November next then to meet at Wilmington, they entered into a formal Agreement not to attend, and to engage as many of the other Members as they could influence to stay at Home.

At the time appointed I met his Majesty's Council and a considerable number tho' not a Majority of the House of Burgesses who have a just regard for his Majesty's Perogative and are Gentlemen of the best sense and estates in the Province.

After two small Prorogations to render their absence inexcusable, we proceeded to Business and passed this Law now under Your Lordships consideration and another for fixing the seat of Government, and Regulating the Courts of Law, which was exceedingly wanted; and which I have ordered the Secretary to Prepare Copies of to be sent to your Board.

I dissolved them and called a new Assembly to be chosen in conformity to this Law: But these Gentlemen in some places by Threats compell'd, and in other places, by offering to Indemnify cajoled the Sheriffs to return Five Members for these Counties as formerly tho the Kings writs impowered them to choose but Two; and refuse all Obedience to the Laws passed in this or last Session of Assembly until they are confirmed by his Majesty For which reason I hope Your Lordships will let me know his Majestys pleasure as soon as may be

I am, your Lordships most, &c.,

GAB JOHNSTONE

P. S. The Biennial Law has been Repealed some years ago by his Majesty

North Carolina—ss.

An Act for the better Ascertaining the number of members to be chosen for the Several Counties within this Province to Set in General Assembly and for Establishing a more Equal Representative of all his Majesties Subjects in the House of Burgesses.

Whereas the Inhabitants of Several of the Northern Counties within this Province have Assumed to themselves the Priviledge of Choosing five persons Respectively to Represent them in the General Assembly without any Law or Pretence of Law to support such a clause while those of the more Southern and Western Counties who are more numerous and Contribute much more to the General Tax of the Province than some of those who claim this Priviledge are represented only by two members in the said Assembly for which Inequality great mischiefs and Disorders have arisen and the best schemes for the good and welfare of the Province by this means have been utterly Defeated the preventing of which for the future we Humbly Pray your Most Sacred Majesty that it may be Enacted And be Enacted by his Excēlly Gabriel Johnston Esq^{r} Captain General and Governour and Commander in chief in and over this Province by and with the Advice and Consent of His Majestys Council and the General Assembly of the said Province And it is hereby Enacted by the authority of the same that from hence forward the Inhabitants of Each and every County already Erected or which shall hereafter be Erected in this Province respectively shall and may choose Two Persons duly Qualified for their Representatives to sit and vote as members in the General Assembly of this Province and no more any Law usage or Custom to the Contrary in any wise notwithstanding And the freeholders of the several Towns (to wit) of Edenton, Bath Town, New-Bern & Wilmington may have the Liberty of Chooseing one Representative Each as heretofore to set and vote as members in the said General Assembly aforesaid all which said members shall be Chosen at such times as shall be directed by His Majestys Writ and at such Place and in such manner as by an Act of the General Assembly of this Province Intituled an Act to regulate Elections for members to serve in General Assembly for the several Counties to Declare who shall be qualified to vote in the said Elections or be Elected a Member of the General Assembly for any of the said Counties and to direct the method to be Observed in taking the Poll at the several Elections in the Counties and Towns in this Province is directed and appointed And whereas great mischiefs have arisen and numberless Obstructions given to the Publick affairs by the members of the House of Burgesses not Duly attending according to the writt or the time [of] Prorogation or Adjournment Be it Enacted by the Authority

aforesaid that eight members of the House at the first meeting in Pursuance of his Majestys writ or the time of Prorogation or Adjournment who are hereby impowered to adjourn de die in diem untill the number of members hereinafter limited shall come together to make a house And for the better dispatch of Publick business Be it Enacted by the Authority afore said and it is hereby Enacted that fourteen members of the said house and the Speaker shall be a sufficient Quorum to make a house and to pass Laws or to do any other Act or Acts which any Assembly in this Province have been heretofore accustomed to do by a Larger number. Any Law Custom or usage to the contrary in any wise

And be it Further Enacted that all and every clause and Clauses of every Law or Laws so far as Relates to the Inhabitants of any County or Counties in this Province their sending above two members Exclusive of the members to be chosen for the Several Towns in this Act before mentioned to sit and represent them in General Assembly Directed or Indirectly is and are hereby repealed and Declared null and void to all intents & purposes as tho' the same had never been made

GAB JOHNSTON

Read three times & Ratified in Open Assembly this 28th day of November Anno Dom̄: 1746

SAMUEL SWANN Speaker. NATH RICE

MY LORDS. [OF THE BOARD OF TRADE]

In Pursuance of your Lordships commands signified to me by Mr. Hill's letter of the 22d of July last wherein your Lordships are Pleased to desire my Opinion in Point of Law upon the following Act Passed in North Carolina in December 1746: I have Perus'd and Considered the same And have made such Observation thereon As I have wrote under the Title of the said Act.

An Act for better Ascertaining the Number of Members to be Chosen for the severall Countys within this Province to sit in General Assembly and for Establishing a more Equall Representative of all His Majestys Subjects in the House of Burgesses.

This Act Appears by the Copy of it Laid before me to have been Passed in the usuall forme of Acts passed in this Province And was the fact Really as it Appears to be I could have no Objection to make thereto as it seems to Contain very usefull Regulations and such as the Province have a right to make if Properly agreed thereto. But it appears to me by a Letter from Governour Johnston Laid before me with this Act,

that It was not Passed in the Usuall and Ordinary way of passing Acts but by a Select Number of Burgesses summoned by the Governour And I have not seen Anything that Warrants the Passing An Act in this manner, therefore I submit it that this matter should be farther Explained before this Act be passed into a Law for however Proper and Convenient this Act may be, Yet the Governour and a Select Number of Burgesses taking upon them to Pass Any Act in any way Different from the Usuall Method (which Act has its Immediate Execution and without any Suspending Clause Till Approved of here as this Act is) may be attended with great Inconveniences.

I am, My Lords, Yours, &c., MAT LAMB

Lincolns Inne 25th September 1747.

Observations in Relation to a pretended Act of Assembly passed at Wilmington in North Carolina. November 1746. Intituled, an Act for Ascertaining the Number of Members &c Most humbly submitted.

The Right Honourable the Lords Commissioners for Trade and Plantation

In the Preamble to the Act, it is untruly charged, that the Northern Counties have Assumed to themselves a Priviledge of Chooseing Five Members, without any Law, or pretence of Law to support such a claim, Although it was Evident from the first Constitution of the said Colony that the Precincts in Albemarle County allways had Five members to represent each of them, And that the Precincts in Bath County were Entituled only to two Members each, which will appear upon examining the Rules and Order, made at a Palatine Court 9th December 1696. [See page 472, Vol. 1—EDITOR.] And by the Writs issued by Governour Johnston, which plainly shews, that from the first Institution of the said Colony untill November 1746 they were deemed to have a Right so to do, And nothing can have more the force of a Law, than a Constitution so established, Continued and acted under for upwards of Fifty years.

That Albemarle County was formerly a Government in itself. And the Precincts being looked upon as a Nursery for the rest had accordingly a Privilege Granted to them of having Five Members each while the Southern Counties or Precincts (afterwards annexed to them) had only Two each; but as the Settlements there Increased New Counties were Erected so that in a little time the Representatives for the Southern Division will be more numerous than those for the Northern

It is also charged in the said preamble that the best Schemes for the good, and wellfare of the Province have been defeated by the Northern

members; but although it is easie for persons guilty of an Exertion of Power to make a wrong and general Charge And to Impute Crimes to such as they intend to Injure yet it is not so easie to prove those charges to be true, for if the Northern Members have deviated from their Duty, that may be proved against them by the Minutes of the Assembly, And producing such Laws, as they would not agree to: And untill that be done no general charges made against them Ought to have any weight.

That the Governour having Transmitted the said pretended Act for His Majesty's Approbation ought to transmit at the same time the Minutes of the Assembly, which could not be suppressed with any other intent than to surprize, and induce your Lordships to believe that there was a full House at the passing of the said Bill whereas in truth there was not, although on reading over the said pretended Act it appears as if a proper number of Burgesses were present at passing it but when the Minutes of Assembly are inspected it appears thereby that only Eight members were present, when they satt as a House and that afterwards they having swore in Seven New Members proceeded to do Business. Although by the Constitution, and Constant usage or practice of that Colony (as well as most of His Majesties Other Colonies on the Continent of America) a Majority of the Members ought to have been present (which at that time would have amounted to Twenty Eight in Number) before they had a right to sitt and do Business, upon which it is proper to remark here the well known maxim in all Laws. That no power less than that which formed a Government can lawfully dissolve or annull it; And that as it is directed by the second Charter Granted by King Charles the second, that there shall be a Majority of the Delegates of the Freemen of the Province present when any Laws are to be Enacted. so in the present case the eight Burgesses who met together in Wilmington had not any power to sit as an Assembly and consequently that every Act by them done, was null, void and of no effect.

It is also proper to Observe here that His Majesty having by His Instructions strictly Commanded his Governour not to pass any Law of such an Extraordinary and unusual nature without First incerting therein a suspending clause, the Governour by having Acted Contrary thereto is guilty of a great contempt of His Majestys Order for if the Governour (as he ought) had incerted a suspending clause it would have prevented all those heats, Animosities and Broyles which naturally attend such an Extraordinary exertion of Power. And further that as in this case the Governour had no delegated power to new modell or alter the Constitution, every act so done by him and the said Eight Burgesses, who assumed the name of an Assembly is utterly null and void in itself especially in

regard that His Majesties Instructions are a standard, and rule of Government in the Colonies.

Therefore on the whole it is most humbly submitted whether an Act of this Extraordinary nature passed by a pretended Assembly who had not (as conceived) had any power to sit as such, And Assented to by the Governour, Contrary to His Majesties Instructions, ought to have the sanction of the Royal Assent and Approbation.

To the Kings most Excellent Majesty in Council

The humble Petition of Peter Payne Mac[a] Scarborough Simon Bryan Caleb Wilson Benjamin Hill and Stevens Lee in behalf of themselves and the several Inhabitants of the Precincts or Counties of Chowan Perquimons Pasquotank Currituck Bertie and Tyrrel, most humbly sheweth

That His Majesty King Charles the second by his letters Patent did grant unto the late Lords Proprietors of Carolina full power and Authority to Grant Letters or Charters of Incorporation with full and absolute power to make and publish Laws either appertaining to the Publick State of the Provinces or to the Private Utility of particular Persons with the Assent of the Freemen of the said Provinces or of a Majority of their delegates.

That agreeable to the Powers granted to the late Lords Proprietors to grant Letters or Charters of Incorporation with all requisite and usual Liberties the late Lords Proprietors by orders to their Deputies directed that the several Precincts in Albemarle County shall be intituled to choose five Burgesses to represent them in General Assembly and the Writs for electing five Burgesses for each Precinct have without intermission continued so ever since the Establishment of this Government not only under the late Lords Proprietors but also under your Majestys Governors until November 1746.

That Your Majestys Governor having Design to ensnare and entrapp the several Representatives of the Northern Countys did contrary to the known Usuage of this Colony Summon an Assembly to meet at Wilmington the twentieth of November 1746 which place is at least two hundred miles distant from where the Courts of Justice are held and the Season of the Year being at that time extremely intemperate with many broad Ferries to Pass from Seven to ten miles over that are very ill provided with Boats: the several Representations of the Northern Countys were laid under a disability of attending. Upon which the Governour by the Advice of four of the Council who live in the South-

ern extreem of this Province Ordered and Directed that eight of the Southern Members with the Speaker should make a House and that afterwards they should swear in Six new Members, and then Proceed to business althō by the Priviledges granted by the late Lords Proprietors, and from the constant and uninterrupted Practice of this Colony from the very first Establishment of the Government there ought to have been present a Majority of the Representatives of the Freemen of this Province which at this time would have amounted to twenty eight in Number, the whole of the Province or Countys and Boroughs being intituled to have four Members to represent them in General Assembly.

That after His Excellency the Gov^{r} had thus broke in upon the Constitution of this Government he with the Advice of four or five of the Council and fourteen Members and the Speaker of the House of Burgesses, passed An Act intituled An Act for the better ascertaining the Number of Members to be chosen for the several Countys within this Province to sit in General Assembly and for establishing a more equal Representation of all His Majestys Subjects in the House of Burgesses. And in the Preamble to the said Act it is said, that whereas the Inhabitants of several of the Northern Countys within this Province have assumed to themselves the Priviledge of chōsing five Persons respectively to represent them in the General Assembly without any Law or pretence of Law to support such a Claim Yet it appears by the very Act that the Governor and that part of the Council that were present and the fifteen Burgesses that composed this Assembly were apprized not only of the Ancient Rights and Priviledges of the Northern Countys but that there were Laws now in Force intitling some of the Northern Counties to have five Burgesses to represent them in the General Assembly

By the first Constitution and Establishment of the Government of this Colony the Precincts of Chowan, Perquimons, Pasquotank and Currituck formed the Government of North Carolina that was then called Albemarle County and agreeable to the Powers vested in the late Lords Proprietors to grant Letters and Charters of Incorporation with all requisite and usual Liberties the late Lords Proprietors intitled the Inhabitants of those Precincts to have each of them five Burgesses to represent them in General Assembly; But some of those Precincts being very extensive and becoming extremely Numerous there were two other Precincts erected out of them, namely those that are at Present known by the Name of Bertie and Tyrrel Counties by Acts of Assembly those two Precincts or Countys were each of them intitled to have five Burgesses

The late Lords Proprietors having thus established the form of Govərnment in the Ancient Colony of Albemarle, and considering that

Colony as a Nursery to Plant the more Southern Districts between that and South Carolina, Ordered and Directed their Governor John Archdale Esq^{r} in 1696 that all Writs that were issued to the several Precincts of the County of Albemarle shall intitle them to Elect five Burgesses for each Precinct, but that for the County of Bath they should only be allowed two Burgesses in each Precinct to represent them in General Assembly [See page 472, Vol. 1.—EDITOR.]

That Your Majestys Dutiful and Loyal Subjects within the several Precincts or Countys of Albemarle are by the said Law represented to your Majesty as factious, Turbulent and Enemies to the well Ordering and Government of Your Majestys Colony of North Carolina althō Your Pet^{rs} have at all times and upon all Occasions acted with the greatest Duty and Submission to your Majesty's Orders and Instructions and never have in any One Instance opposed any Act of Government that was consistent with Your Majesty's Royal Instructions And although we have suffered many grievances and hardships from the undue excercise of Power by His Excellency the Governor, yet We have rather chose to suffer than to trouble your Royal ear with frequent Complaints.

That your Pet^{rs} most humbly apprehend that Your Majesty's Governor hath not any delegated Power to New Model and alter the form of the Constitution of Your Majestys Colony; That the Security of Your Majestys Subjects wholly depend on a just observance of Your Majestys Instructions and that the passing of a Law of so extraordinary and unusual Nature without first inserting a Suspending Clause until Your Majestys pleasure was known thereupon can only tend to enflame and disturb the Quiet and Happyness of Your Majesty's Subjects.

That it is with the greatest concern We beg leave to represent to Your Majesty that as the Records are in a great Measure in the Gov^{rs} Power, and that from some fatal Mistake in the manner of usually transmitting the Records to the Boards at Home, We shall be under the greatest difficulty in making good the Allegations of our Complaint without Your Majesty will be graciously pleased to interpose in Our behalf.

Whereupon Your Petitioners most humbly Pray that Your Majesty will be Pleased to take the premises into Your Royal Consideration and that Your Majesty will be graciously pleased to reinstate Us in Our former Rights and Priviledges, and grant Us such other relief as Your Majesty in Your great Wisdom shall think meet

And your Pet^{rs} as in Duty bound shall ever Pray &c

PETER PAYNE	CALEB WILSON
MA^{c} SCARBOROUGH	BENJ^{a} HILL
SIMON BRYAN	STEVENS LEE.

At the Council Chamber Whitehall the 14th of July 1748.

By the Right Honourable the Lords of the Committee of Council for Plantation Affairs.

Whereas his Majesty was pleased by his Order in Council of the 3rd of December last to refer unto this Committee the humble Petition of Peter Payne Macª Scarborough, Simon Bryan, Caleb Wilson, Benjamin Hill and Stevens Lee in behalf of themselves and the several Inhabitants of the Precincts or Countys of Chowan, Perquimons, Pasquotank, Currotuck, Bertie and Tyrrell in North Carolina complaining of an Act passed in that Province in 1746 entituled "An Act for the better ascer- "taining the number of members to be chosen for the several Countys "within this Province to sit in General Assembly and for Establishing "a more equal Representation of all his Majesty's Subjects in the House "of Burgesses." The Lords of the Committee did on the 15th of January last take the said Petition into their Consideration, and being informed that the said Act was under the Consideration of the Lords Commissioners for Trade & Plantations their Lordships thought it proper to referr the said Petition to the said Lords Commissioners to examine into the same together with the said Act, which they have accordingly done, and made their Report thereupon to this Committee, whereby it appears that the said Lords Commissioners have been attended upon this occasion by an Agent in behalf of the Petitioners to sollicit the repeal of the said Act, and by another Agent in support thereof, but that the Agent for the Petitionrs was not able to prove the several Allegations of the said Petition for want of due evidence, and had therefore desired that the necessary Directions might be given for transmitting such Evidence duly authenticated under the seal of the Province. And the said Lords Commissioners having thereupon proposed that a Copy of the said Complaint should be transmitted to the Governor of the said Province for his Answer, and that the necessary Directions should be given for examining Evidence on both sides as likewise for transmitting authenticated Copys of all such papers as should be judged necessary in this Affair

The Lords of the Committee upon Consideration thereof are hereby pleased to order that a Copy of the said Petition of complaint (which is hereunto annexed) be transmitted to Gabriel Johnston Esqre Governor of the said Province who is hereby required to return to this Committee his Answer hereunto in writing with all convenient speed. And the Lordships do hereby further order that the Complainants or their Agents be at Liberty to take Copys of all records in any of the Public offices in the said Province touching the matters complained of as the said com-

plainants or their agents shall think necessary to support the said Petition of Complaint and that the same be delivered to the Complainants or their Agents signed and authenticated in the usual manner under the seal of the Province upon paying the usual Fees for the same. And that free Liberty be also given to all such Persons as the said Complainants or their Agents shall name as also to all such Persons as the said Governor shall name to make Affidavits before the Chief Justice and Judge of the Court of Admiralty of the said Province or either of them of what they know touching the Premises particularly as to the Practice of the said Province with regard to a Majority of the Assembly's being present before any business could be proceeded upon, and likewise with regard to the number of Representatives sent by each of the Northern Countys to the General Assembly from the year 1696 to the year 1746, and that such Chief Justice and Judge of the Admiralty Court or either of them do summon before him or them such Persons as the Complainants or their Agents shall name, as likewise such as the said Governor shall name, and take their Affidavits and examine them upon such interrogatorys as shall be exhibited for that purpose, which the said Governor is to signify to the said Chief Justice and Judge of the Admiralty Court as soon as may be. And that the Complainants or their Agents do deliver unto the said Governor Copys of such Affidavits or Depositions as shall be made or taken in this Matter on their Part, as also that the said Governor do deliver unto the said Complainants or their Agents Copys of his Answer and of such Affidavits or Depositions as shall have been likewise made on his part within the space of three months after the receipt of this Order As also that within thirty days after receiving each others proofs the said Governor do in like manner exchange with the said Complainants or their Agents the replys that shall be made by Affidavits or Depositions before they be transmitted to their Lordships, and that the whole matter be returned to this Committee under the seal of the said Province within the space of six months from the time that order shall be served upon the said Governor of the Province of North Carolina.

And their Lordships do hereby further order that the said Government do transmitt to this Committee the Minutes of the General Assembly of the said Province in November 1746 with the names of such Members as were present at their meeting, the names of such as were sworn afterwards, and the whole number present during the continuance of that Session, and also attested Copys of some of the writs issued for calling Assemblys antecedent to the year 1736, if the same form has been constantly observed, and if there has been any variation in the form of those

writs, then to send copys of such as have so varied, and also copys of the Returns upon such Writs together with a copy of the order of the Palatines Court in the year 1796 directing five members to be chosen for the Northern Countys. And that the same be properly authenticated under the seal of the said Province and transmitted at the same time with the aforementioned proofs and Depositions. Whereof the said Governor of North Carolina, the Chief Justice, and Judge of the Admiralty Court, and all others whom it may concern, are to take notice and govern themselves accordingly. W. SHARPE.

EDENTON, December 28th 1748.

MY LORDS [OF THE BOARD OF TRADE]

I had the Honour of your Lordships of 17th of June last a few days ago in which you have been pleased to inform me of the Petition of the Inhabitants of the six Counties against an Act of Assembly for ascertaining the number of their Members, and likewise of your Report to the Committee, proposing that I be directed to transmit the necessary evidence, and that a copy of the said Petition be sent to me, and that I transmit such reasons in support of the act as I think proper. At the same time your Lordships are pleased to recommend to me Dispatch, that an end may be put to the Confusion in which the Country must be necessarily involved on this occasion.

I am fully sensible of the justness and kindness of this Recommendation; for indeed the Country is in great Confusion by this, affairs being now two years undetermined.

I should not have delayed one Day to Answer the Complaint, if I had been served with a Copy of it, but as I never have been, it is impossible for me to Answer it. Nay I am certain I shall not be served with it for a good while to come, for the Confusion of this Province (of which your Lordships are so apprehensive) is what the Persons who are at the head of this affair find their account in, and it has been always their Play to keep things in that way. I know not whether by the Rules of the officers there is a time limited for serving Governors with a Copy of Complaints and for them to give in their answers, but it will be very hard if these People go on to keep things in Disorder by postponing the Execution of the Order of Council.

I have already given your Lordships my Reasons for assenting to this Law, I have likewise sent two authentick Affidavits proving that their absence from the Assembly at Wilmington was not accidental or occasioned by any Difficulties in getting to the Place of meeting, but premeditated and designed. And if your Lordships will be only pleased to

consider my Situation for Twelve Years together in this Place, I am sure you will not blame my conduct.

At every Assembly I was obliged to stay Three or Four Days and often a week, before these Gentlemen thought proper to attend, And Four times I was obliged to dismiss the Assembly without opening it, because of their absence; for they insisted that no Assembly could proceed to Business without a Majority of the House of Burgesses, and they by their five Members constituted this Majority.

I have more than once overheard them when things were not going to their Mind say, Let us go home and see whether the Governour Council and rest of our House dare do anything when we (without whom there can be no Majority) are departed.

At last by a previous concert they Declared openly that they would not obey the Prorogation preceding the meeting at Wilmington.

The Members of the other Eleven counties and Burgesses for Three Towns, whose Health would permit them to attend did of their own accord bring in a Bill for regulating Elections and for preventing these abuses which had so long retarded the Settlement of this unhappy Province, His Majesties Council, then six in number unanimously approved of it. What could I do in such an affair when the People themselves, that is, Eleven Counties out of Seventeen, and three Boroughs out of four, offered to me a Law for my Assent, which prevented the Governour & Council from continuing Cyphers, which restored the Prerogative of the Crown to its just Weight in the Legislature and secured the People an Equal Representative.

I sincerely think it would have been highly Criminal in me, if I had neglected such an opportunity or hesitated one moment to give my assent to such a Bill, even if there had been any antiquated Deed or Charter that stood in the way, but I solemnly protest to your Lordships that tho' I have made diligent search among all our Records, I never could meet with any writing of that nature, and am firmly persuaded that the only Right ever had for five Members was founded on the Biennial Law long ago repealed by your Lordships Advice.

I have wrote all this not as an Answer to any Complaint (tho' I may perhaps take the Liberty to refer to this if I am ever put to the necessity of Answering) because I am not served with a Copy of any. But as his Majesty's Governor informing your Honourable Board (In obedience to his Majesty's Instructions) of the True Reasons for my assenting to a Bill presented to me regularly by both Houses of Assembly, and indeed I cannot help reconing it some misfortune, to be obliged to Answer as a Criminal for doing what it would have been a great Crime in

me to neglect, and that the Artifices of those Persons who have always kept this Colony in confusion should have been so successful as to keep in suspence the fate of a Law so manifestly calculated for doing justice to the Crown, and for the ease and quiet of the Subject; and if your Lordships Goodness, does not prevent them, you will soon observe by their conduct that they will endeavour to keep Matters in this Dubious state for years to come.

I shall not trouble your Lordships with anything more on this Subject at Present, only beg you will be pleased to remember, that if these six Counties are allowed to send five Members each they will have a Negative upon Governor, Council and the Representatives of eleven Counties out of Seventeen, and three Towns out of Four. This is unavoidable.

Your Lordships will see by the Sequel of this Letter the Reason which has hitherto prevented my compleating the State of this Colony which I promised to transmitt to your Board two years ago.

I am sorry that the minutes of Council, and the Loans passed within these two years have not yet been Revived.

I have sent orders to the Secretary to provide a fresh Coppy and to send it me by Express which I shall not fail to forward with my Observations upon Them.

We have got several good Laws which I am sure will give your Lordships great satisfaction, & which we should never have obtained, if the overgrown Majority of the six Counties had continued.

There was only one more Law passed in that Session with the Law now nnder Debate; That was an Act for Building of Publick offices for Publick Meetings and Keeping of Records; This Province has been very unhappy for want of such Buildings ever since I knew it.

The Publick Records lye in a miserable condition one part of them at Edenton near the Virginia Line in a place without Lock or Key; a great part of them in the Secretarys House at Cape Fear above Two Hundred Miles Distance from the other Some few of 'em at the Clerk of the Council's House at Newbern, so that in whatever part of the Colony a man happens to be, if he wants to consult any paper or record he must send some Hundred of Miles before he can come at it.

Tho' the necessity of such a Law must appear plain to everybody, we have not yet been able to carry it into Execution by reason of the obstinacy of the Northern Gentlemen, who declare loudly they will obey no Law until the Fate of that relating to their five Members be Decided, and they have been hitherto as good as their Word.

They treated the Kings writt for calling a New Assembly with the greatest Contempt: They will pay no Taxes, and tho' they do not appear in Arms, they are really in a State of Civil Rebellion.

I did not think it prudent to make Use of any Violent or Compulsive Methods, because I am sure that whenever this Affair is determined at Home the Tranquility of the Province will be restored at once, and I hope it will not be long now, before we shall be acquainted with His Majesty's Pleasure.

There is also an Act passed for revising the Laws and printing them, which have hitherto been scattered about in very sorry and incorrect Copys; An Act for the more punctual attendance of the Members of Both Houses; One for appointing James Abercromby, Agent for this Province: One for building two Forts, One at Ocacock, and another at Cape Fear; and one for Granting a Rent Roll to his Majesty and Lord Granville with several others, which for these several Years I have been endeavouring to procure, but never could before.

One mighty inconvenience we have to struggle with at present is, That nobody cares to lay in Provisions for Man or Horse at Newbern, tho' it is the most central and fruitful part of the Province; Such pains are taken to assure the People that the Seat of Government will be removed, when they get their five Members restored; But nobody cares for advancing Money for the entertainment of the Publick, so that in a fortnight or three weeks time, we are obliged to seperate for want of the necessaries of Life. Things would soon take another Turn if this point about their Members was Once Determined. The present Members of Council are: Nath[l] Rice, Rob[t] Halton, Eleazor Allen, Mathew Rowan, Edward Moseley, Roger Moore, Cullen Pollock, William Forbes, all residing in the Province, and James Murray who has been absent three Years without Leave.

Three Members have died since my being in the Government Viz[t] William Smith, Edmund Porter and John Baptist Ashe; I have recommended several Gentlemen on former occasions, and now mention the following Gentlemen to supply these Vacancies Viz[t] James Innes, George Gould, and Thomas Lovick. I shall take care to observe punctually every Article of your Directions in relation to Indigo.

I am highly indebted to your Lordships for the News of the Cessation of Arms, I have never yet received the Proclamation of a Cessation betwixt Great Britain and France. That betwixt Great Britain and Spain I received a few days ago and have had it published with proper solemnity.

I continue with the greatest respect, &c.,

GAB: JOHNSTON.

At the Council Chamber Whitehall the 21st of November 1749.

By the right Honourable the Lords of the Committee of Council for Plantation affairs.

Whereas a report was made to this Committee by the Lords Commissioners for Trade and Plantations, on the 24th of May 1748, upon the Petition of Peter Payne, Macª Scarborough, Simon Bryan, Caleb Wilson, Benjamin Hill and Stevens Lee, in behalf of themselves and the several inhabitants of the Precincts or Countys of Chowan, Perquimons, Pasquotank, Currotuck, Bertie and Tyrrel in North Carolina, complaining of an Act passed in that Province in 1746 entitled "An Act for the better ascertaining the number of Members to be chosen for the several Counties within this Province to sit in General Assembly, and for establishing a more equal representation of all His Majestie's Subjects in the House of Burgesses." * * * * Upon consideration of which report the Lords of the Committee did, on the 4th of July 1748, Order and direct as follows vizt:

"That a Copy of the said Petition of Complaint should be transmitted to Gabriel Johnston Esqre Governor of the said Province requiring him to return to this Committee his Answer thereunto in writing with all convenient speed; And that the Complainants or their Agents should be at liberty to take Copys of all records in any of the Public Offices in the said Province touching the matters Complained of as the said Complainants or their Agents should think necessary to support the said Petition of Complaint, &c.

* * * * * * *

And Whereas in pursuance of the afore recited Order, two Pacquets of Papers have been transmitted from the said Province and laid before this Committee, One of which was delivered by Mr. Abercromby Agent for the Governor, containing the Answer of the said Governor to the Complaint, as likewise the Proofs and evidence that have been taken on his part; And the other Pacquet by Mr. McCulloh on behalf of the Petitioners containing the Proofs & evidence which have been likewise taken on their part

It is therefore hereby ordered by this Committee that all the said Papers be transmitted to the said Lords Commissioners for Trade and Plantations, that they may proceed in the examination of this Affair, and make their further report thereupon to this Committee.

W. SHARP.

[B. P. R. O. North Carolina. B. T. Vol. 11. B. 94.]

North Carolina.

This Parcel of Papers contains all the Papers left at the Council Office by Mr. M^{c}Culloh, in behalf of the Complainants against Governor Johnston.

Referred to this Board, by the Lords of the Com^{ttee} of Council; Order dated y^{e} 21st Nov^{r} 1749.

[For copy of complaint see *ante* page 1158.—Editor.]

Letter of Agency, from the Complainants within named, to Wyriott Ormond and Thomas Barker Esq^{rs} Dated the 21st Jan^{ry} 1748.

Whereas, by an Order of the Right Honourable the Lords of the Committee of Council for Plantation Affairs, dated at Whitehall, the fourteenth day of July, in the year of our Lord One Thousand Seven Hundred & Forty Eight; made in behalf of us, and the several Inhabitants of the Precincts or Counties of Chowan, Perquimans, Pasquotank, Currotuck, Bertie and Tyrrell in North Carolina, upon our humble Petition, addressed to his most sacred Majesty in Council

It is among other things ordered by their Lordships that the Complainants or their Agents be at liberty to take Copys of all Records in any of the Publick Offices in the said Province, touching the Matters complained of, as the said Complainants or their Agents shall think necessary to support the said Petition of Complaint; and that the same be delivered to the Complainants or their Agents, signed and authenticated in the usual manner, under the Seal of the Province; and also that free liberty be given to all such Persons as the said Complainants or their Agents shall name, to make Affidavits before the Chief Justice and Judge of the Court of Admiralty of the said Province; or either of them, of what they know touching the Premises, particularly as to the practice of the said Province with regard to the Majority of the Assemblys being present before any Business could be proceeded upon; and likewise with regard to the Number of Representatives sent by each of the Northern Counties to the General Assembly, from the Year of our Lord one Thousand seven hundred and forty six and such Chief Justice, and Judge of the Admiralty Court, or either of them, do summon before him or them, such Persons as the Complainants, or their Agents shall name, and take their Affidavits, and examine them upon such Interrogatives as shall be exhibited for that purpose. And also

ordered that the Complainants or their Agents do deliver unto the Governour Copies of such Affidavits or Depositions as shall be made in behalf of the said Complainants. Now know all Men, by these Presents, that We the Complainants in the said Order mentioned, who have hereunto subscribed our Names and affixed our Seals, do hereby constitute and appoint Wyriett Ormond, and Thomas Barker, of North Carolina Esquires, our true and lawfull Agents, as well on our behalf as on the part and in behalf of the several Inhabitants of the aforesaid Counties to act, do, and transact, all and singular the Matters and Things herein before set forth, and all and every Act and Acts, Thing and Things, requisite and necessary on our Parts to be done and performed, in virtue of the said Order of Council: And We, the said Constituents do hereby give and grant full power and Authority to our said Agents, to Act and do all Matters and Things necessary to be done and performed, touching the Premises, as fully and effectually to all intents and purposes whatsoever as We ourselves might do if personally present. Hereby ratifying and confirming, as good and valid, all that our said Agents shall do, or cause to be done, in and about the Premises altho' the Matter should require more special authority than is herein comprized.

In witness whereof, We, the said Complainants have hereunto set our Hands and Seals, the Twenty First Day of January, Anno Dom: 1748.

MA^{e} SCARBROUGH, & a Seal.
SIMON BRYAN, & a Seal.
BENJ^{a} HILL, & a Seal.
STEVENS LEE, & a Seal.
CALEB WILSON, & a Seal.

Sealed & Delivered in Presence of,
Jos: Anderson.
April 19th 1749.

The Deposition of Francis Forster of Perquimans County in North Carolina, Gentleman, aged about ninety years; who being sworn on the Holy Evangelists, deposes and saith, that he, the said Deponent, upwards of sixty years ago, was chosen a Burgess for Perquimans Precinct, and that he and four other Burgesses represented the said Precinct in the General Assembly of North Carolina, & that he the said Deponent served the said Precinct as a Burgess for several Years; and this Deponent furthur saith, that he was appointed a Member of Council when Thomas Carey Esq^{re} was first Governor of the said Province and that he the said Deponent, continued to be a Member of Council, acted as such, and was conversant in the Publick Affairs of the Province 'till

seven of the Lords Proprietors had conveyed their Estate and Interest in the Province to his Majesty: And further this Deponent saith that the said Precinct of Perquimans, and likewise the Precincts, now called Countys of Chowan, Pasquotank & Currituck, ever since this Depon^{t} hath known the Province have been represented in the General Assembly by Five Burgesses from each of the said Precincts or Counties; and that he never knew, nor heard their right to such a Representation contested or called in Question, 'till after November One Thousand seven hundred and forty six: and further this Deponent saith, that he never knew nor heard that less than a Majority of the Members of the House of Burgesses did proceed in Publick Business; And also that he never knew nor heard, that any new Members of the House of Burgesses were ever qualified till a Majority of the House of Burgesses had met unless since November, One Thousand seven hundred and forty six, and further saith not.

Edenton, 14th April 1749.

The Deposition of John Wynns of Bertie County Gentleman, aged forty-one years, being sworn on the Holy Evangelists, Deposeth and Saith, that ever since the year one Thousand seven hundred and Twenty-nine, he the said Deponent hath been acquainted with the practise and usuage of the General Assemby of North Carolina, & that the several Precincts now called Counties in that part of the said Province called Albemarle were always till November one thousand seven hundred and forty six represented in the said Assembly by five Burgesses from each of the said Precincts or Counties, except, Edgcomb, Bertie Tyrrell & Northampton which have been under different Regulations by Acts of Assembly, and that, that part of the Province called Bath County was represented in the General Assembly by two Burgesses from each Precinct or County, and further this Deponent saith that the Towns of Edenton, Bath Town, Newbern and Wilmington have been represented by one Burgess from each of the said Towns, and this Deponent further saith that a Majority of the Burgesses chosen for the several Counties and Towns in this Province hath been always deemed & held necessary to make a Quorum of the House of Burgesses, and that he never knew nor heard that less than such a Majority of the Burgesses ever did proceed on Publick Business untill November one thousand seven hundred and forty six, and this Deponent further saith that he hath known the Governor because there hath not met a Majority of the Members of the House of Burgesses prorogue the Assembly from time to time, till such a Majority did meet and sometimes dissolved them for the same reason, and this

Deponent further saith that he has known the Governor prorogue the Assembly several times when there has been more than twenty of the Burgesses met, and gave for reason in his Proclamation for the Prorogation that a Majority of the House of Burgesses had not met, and particularly in the year one thousand seven hundred and forty one this Deponent was chosen a fifth Burgess for Bertie in the room of Thomas Bryant deceased and went to Wilmington in September the same year to which time and place the said Assembly had been prorogued and he the said Deponent and Mr. John Dawson another Burgess for Bertie County were delayed in their Journey by Floods of Water and Freshes in the Rivers, so that they could not get to Wilmington till three days after the time to which the Assembly had been prorogued, and that there were met when this Deponent arrived at the said Town of Wilmington, Twenty one Burgesses besides this Deponent, and the said Dawson, and the same day being Friday the Governor prorogued the Assembly till the Monday following because there was not a Majority of the Burgesses met, and on that day there came two other Burgesses from some other part of the Province, with which as soon as the Governor was acquainted, he ordered the House to attend him, made a Speech and recommended several Publick Affairs to their Consideration: & this Deponent further saith that in June one thousand seven hundred & forty six, two new Counties were made by Act of Assembly, to wit the Counties of Granville and Johnston by which there was an addition of four Burgesses more than before that time had been the Representative of the Province, & further this Deponent saith, that in June one thousand seven hundred and forty six at Newbern the House of Burgesses passed a Bill for fixing the place for the seat of Government etc three Times, & appointed Bath Town for the Place for the seat of Government & sent the said Bill to the Upper House for their Concurrence, and the Council thereupon sent a Message to the House of Burgesses insisting that they should strike out Bath Town and incert Newbern in the room thereof upon which the Question was put in the House of Burgesses and was carried in the Negative whereupon the Assembly was by his Excellency the Governor prorogued to Wilmington to meet in November following and further this Deponent saith at the close of the said Session held in June one Thousand seven hundred and forty six he this Deponent and other Burgesses was conversing with Mathew Rowan Esq^{re} one of the Members of his Majesties Council concerning the affairs of the Province, & that the said Mr. Rowan said that unless the Burgesses would consent to fix the seat of Government at Newbern they might depend there would be no Business done, for tho' the Majority of the Burgesses lived at the North, the Council were at

the South, and they could put a Negative. And this Deponent saith that he never knew of any Confederacy among the Northern Burgesses not to meet at Wilmington in November one Thousand seven hundred and forty six, but has heard several of them complain of being harassed with frequent Prorogations to distant parts especially Wilmington, and that all their Designs for the Publick good had been so often interrupted by the Council because the Burgesses would not settle the Seat of Government in a place inconvenient to the greatest part of the Inhabitants of the Province, that they had little hopes of doing any good for their Country by going at that time, & also that it was a very unseasonable time of the year, that going at that particular time would be of great prejudice to them, for it was at the time of killing their Beef and the Pork season coming on. JN° WYNNS.

Edenton, 13th April, 1749.

The Deposition of Luke Sumner of Perquimons County in the Province of North Carolina, Merchant aged twenty six years, who being duly sworn on the Holy Evangelist Deposeth and Saith.

That at a Session of Assembly held at Newbern in the month of June in the year of our Lord one thousand seven hundred and forty six he this Deponent attended being one of the five Burgesses from the County of Perquimons and at that time a Bill passed the House of Burgesses three times for fixing a place for the seat of Government etc, and that the Place therein appointed was Bath Town in the County of Beaufort, and after the said Bill had had the third reading in the House of Burgesses, was sent up to the Council, the Members of Council sent a Message to the House of Burgesses insisting that they should strike out Bath Town and insert Newbern in the room thereof, which being put to the vote was carried in the Negative whereupon the Assembly was prorogued by his Excellency the Governor to Wilmington to meet the November following. And this Deponent also saith that the latter end of the said Session held at Newbern in the year of our Lord one Thousand seven hundred and forty six, Mathew Rowan Esqre one of the Members of Council addressing himself to this Deponent and several other Burgesses then and there present concerning the place proper to fix the Seat of Government said that if the Burgesses would not consent to fix it at Newbern they might assure themselves there would be no Business done for notwithstanding the Majority of Burgesses lived towards the North the Council lived at the South and they could put a Negative. And this Deponent further saith that Mr. Rowan also said the Assembly would be prorogued either to Wilmington or Brunswick but which of the two Places the Council

had not then agreed on, and that if the Burgesses did not agree to fix the Seat of Government at Newbern they would have the pleasure of a journey to the South end of the Province, and that if the Council could not succeed in their proposed Measures there they would have it done in England in spight of the Burgesses. And this Deponent further saith that he never knew of any agreement among the Northern Burgesses not to meet at Wilmington in November one Thousand seven hundred and forty six, but hath often heard many of them complain of being greatly fatigued and tired out by frequent Prorogations to distant parts of the Province particularly to Wilmington the most inconvenient Place that any Assembly had theretofore been held at being not only the most Expensive Town in the Province. And that their Intentions and endeavours for the good of the Publick had been often frustrated by the Members of Council because they the Burgesses would not consent to fix the seat of Government at a place altogether inconvenient to the greatest part of the Inhabitants of this Province, and further that it was a very unseasonable time of the year for travelling and that going thither would be greatly prejudicial to them being the time of killing their Beef, and the Pork season coming on. And further this Deponent saith not.

LUKE SUMNER.

Edenton 15th April 1749.

The Deposition of Abraham Blackall of Edenton in North Carolina. Practitioner in Physic and chirurgery being forty three Years of age, and duely sworn on the Holy Evangelists, deposeth and saith, that in the year of our Lord, one Thousand seven hundred and thirty four, he the said Deponent received a Commission from his Excellency George Burrington Esqre then Governor of North Carolina, constituting and appointing the said Deponent Clerk of the House of Burgesses of the said Province, and that he the said Deponent doth very well remember that five Northern Precincts now called Counties to wit the Precincts or Counties of Currotuck, Pasquotank, Perquimons, Chowan & Bertie were represented by five Burgesses in the General Assembly for each Precinct and Tyrrell Precinct being regulated by an Act of Assembly made for that purpose sent Representatives in proportion to their Number of Tythables sometimes four and since five Burgesses to represent the said Precinct, as their Tythables increased, and at the same time the Southern Precincts were allowed to send but two Burgesses for each Precinct or County and this Deponent also saith that the House of Burgesses hath been prorogued from time to time as well by his Excellency Gabriel Johnston Esqre the present Governor of this Province as by his

Predecessor the said George Burrington Esq[re] until there did appear a Majority of all the Burgesses representing the whole Province, and this Depon[t] furthur saith that he never knew the Members qualify until there had met a Majority of the Burgesses chosen for the several Towns and Precincts or Counties in the said Province, and furthur this Deponent saith that he was chosen a Burgess for the County of Chowan in the Year one Thousand seven hundred & thirty nine together with four other Burgesses for the said County and that he and the other Burgesses aforesaid were Qualified and admitted to proceed on the Publick Business of the said Province by virtue of a Writt issued by his Excellency the said Gabriel Johnston Esq[re] And furthur saith that the above practise and usuage hath been constantly followed ever since the said Deponent came into this Province which was in the year one Thousand seven hundred and thirty untill after November one thousand seven hundred and forty six And furthur this Deponent saith that thō he has attended at several Sessions of Assembly as a Burgess for the said County of Chowan that he never once heard the right of the said Counties of Currotuck, Pasquotank, Perquimans, and Chowan to send five Burgesses to represent them in the General Assembly called in Question or contested, till after November one Thousand seven hundred and forty-six and that Tyrrell County since their first sending five Burgesses always continued the same Practise till November one Thousand seven hundred and forty six, and that Bertie Precinct or County was always represented by five Burgesses in the General Assembly till other ways ordered by Act of Assembly. And furthur this Deponent saith not.

ABRAHAM BLACKALL.

Edenton 13 April 1749

William Heritage of Craven County in the Province of North Carolina Gentleman, aged forty two years or thereabouts, being sworn & examined Deposeth as followeth Viz[t]

To the first Interrogatory, This Deponent saith that he hath acted as Clerk of the House of Burgesses Ten years and upwards.

To the second Interrogatory. This Deponent saith that to the best of his Remembrance the number of Twenty three, Twenty Four, Twenty five & Twenty six, according as the numbers of Counties increased were deemed a majority in the House of Burgesses before they proceeded to Business.

To the third Interrogatory. This Deponent saith that he believes that there hath been Members Qualified before there was a Majority of the Members met to make a House of Burgessses before November one Thousand seven Hundred and forty six.

To the fourth Interrogatory, This Deponent saith that Chowan, Perquimons, Pasquotank, and Currituck were represented by five Members each till November one thousand seven hundred and forty six, Bertie represented by five, till the Division of that County and since by three only, and Tyrrell by four when this Deponent was first Clerk in the year one thousand seven hundred and thirty eight, and some time after by five, till November one thousand seven hundred and forty six.

To the fifth Interrogatory This Deponent saith that the said Bill mentioned in the said Interrogatory did pass three times in the said House by a Majority and that Bath Town was the place mentioned in the said Bill for the Seat of Government and keeping Publick offices for appointing Circuit Courts and defraying the Expence thereof and also for Establishing the Courts of Justice and regulating the Proceedings therein the two last times the Bill was sent to the Upper-House but believes the first time it went without any place incerted in the said Bill.

To the sixth Interrogatory. This Deponent saith that the Members of his Majesty's Council, which were then met after the Bill in the last Interrogatory mentioned had been read three times in the House of Burgesses did send back the said Bill with a Message to the House of Burgesses to which said Message incerted in the Journal of the said Session for greater certainty this Deponent refers and the question was put which passed in the Negative.

To the seventh Interrogatory, This Deponent saith that the Assembly was prorogued to Wilmington without doing any further Business.

To the eighth Interrogatory, this Deponent saith that there were eight Members of the preceeding Assembly met at Wilmington in Consequence of the Prorogation and saith that seven new Members were then qualified, John Smith, John West, William Eaton, John Swann, Thomas Clark, Edward Jones, and Caleb Granger, and the reason why their names were not incerted in the Journals as usual he doth not know, Mr. Speaker directed the method of meeting to be entered as followeth, (That the Assembly met according to Prorogation.)

To the ninth Interrogatory, this Deponent saith that it hath been usual for the House of Burgesses, when a Member dies, to acquaint the Governour thereof and for him to issue a Writt of Election to choose a new Member in the room of the Member so deceased, but whether they are returnable forty days between the Date of such Writts & return thereof this Deponent saith he knoweth not, because such Writt issues out of the office of the Clerk of the Crown & are generally therein returned.

To the tenth Interrogatory this Deponent saith that he believes His Excellency the Governor did in November one thousand seven hundred

and forty six issue a Writt for electing a Burgess for the Town of Wilmington in the room of Thomas Clark then Deceased, this Deponent saith he doth not know the day when the said Writt issued, but believes it was issued at the request of the House of Burgesses then met, saith that he doth not know how many days were between the Test and the return of the said Writt, but believes there were not above six days and Caleb Granger was thereupon chosen a Burgess for the said Town, and on or about the sixth day after the request above said the said Caleb Granger was qualified and took his Seat accordingly.

To the eleventh Interrogatory, this Deponent saith that at the passing the Act intituled an Act for the better ascertaining the Number of Members to be chosen for the several Counties within this Province to sit in General Assembly and for Establishing a more equal Representation of all his Majesty's Subjects in the House of Burgess all the Members of that Session were present when the said Bill passed three times, & also at the Ratification thereof and at the passing the Act for fixing a place for the seat of Government three times in both Houses all the Members were present but afterwards Mr. John Haywood and Mr. Joseph Howell absented themselves the night before the last mentioned Act had received His Excellency's the Governor's Assent.

To the twelfth Interrogatory, this Deponent saith that there were fifteen Members present at the passing or ratifying the Act for Ascertaining the Number of Members to be chosen for the several Counties within this Province to sit in General Assembly and for Establishing a more equal Representative of all his Majesty's Subjects in the House of Burgesses, and that there were thirteen Members present at the passing the Act for fixing a place for the seat of Government, and for Keeping Publick offices for appointing Circuit Courts and Defraying the Expence thereof and also for Establishing the Courts of Justice and regulating the Proceedings therein. W^m^ HERRITAGE.

Richard Lovett of Craven County in the Province of North Carolina, Gentleman, aged thirty eight years or thereabouts, being sworn & examined Deposeth and saith, as followeth Viz^t^

To the first Interrogatory This Deponent saith that he was Clerk of the Upper House in the Year one thousand seven hundred & forty six.

To the second Interrogatory, This Deponent saith that it hath been usual for five Members to be a Quorum of the Upper House to pass Laws and that there were five Members of Council present at the passing the Act intituled an Act for the better ascertaining the number of Members to be chosen for the several Counties within this Province to

wit in General Assembly and Establishing a more equal Representative of all his Majesty's Subjects in the House of Burgesses to wit the Honourable Eleazer Allen, Mathew Rowan, Edward Moseley, Roger Moore, and William Forbes.

To the third Interrogatory, This Deponent saith that the five Members last before mentioned were present at the passing the Act intituled An Act to fix a place for the seat of Government and for keeping Publick Offices appointing Circuit Courts and Defraying the Expence thereof, and also for Establishing the Courts of Justice and for regulating the Proceedings therein.

To the fourth Interrogatory This Deponent saith that it hath been usual for the House of Burgesses to Address his Excellency the Governor to issue a Writt to Choose a new Burgess, and hath always understood it to be usual Practise when an Assembly was Dissolved, and upon a new Election of Burgesses to be forty days between the issuing the Writt and return thereof; And saith that he hath heard that upon the Death of a Member, at the next Meeting of Assembly, and the Governor addressed thereupon a Writt issues as this Deponent hath heard returnable immediate, but for greater certainty this Deponent refers to the Writt.

To the fifth Interrogatory, This Deponent saith that he believes his Excellency the Governor did issue a Writt of Election to choose a Burgess for Wilmington in the room of Mr. Clark deceased, but this Deponent doth not know at whose Instance the said Writt did issue nor how many days were between the Test and return but believes the same issued as usual, and hath heard that a Burgess was chosen in the room of Thomas Clark deceased. R^d^ LOVETT.

New Bern 5^th^ April 1749.

The Examination of James Craven of Chowan County Esq^re^ aged thirty nine years, taken before Mr. Enoch Hall Esq^re^ Chief Justice of North Carolina, and Joseph Anderson Esq^re^ Judge of the Admiralty Court of the said Province, by virtue of an Order by the Right Honourable the Lords of the Committee of Council for Plantation Affairs, Dated the 14^th^ day of July 1748 at the Council Chamber Whitehall, taken this 12^th^ day of April 1749.

To the 1^st^ Interrogatory this Deponent saith, that he was a Member of the House of Burgesses before the Month of November 1746.

To the 2^nd^ Interrogatory this Deponent saith, that the number of Twenty six Burgesses were in June 1746 deemed and held to be a Quorum of the House of Burgesses.

To the 3rd Interrogatory this Deponent saith that in June 1746 the Governor prorogued the Assembly by Proclamation for want of a Majority and that he hath frequently heard that that hath been the usual Practice.

To the 4th Interrogatory this Deponent saith, that during the time this Deponent was a Member he never knew less than a Majority of the Burgesses proceed on Publick Business, and never heard it was done till November 1746.

To the 5th Interrogatory this Deponent saith that he doth not know that there were more than two Sessions of Assembly called and held in the year of our Lord one Thousand seven hundred and forty six, the one in June and the other in November.

To the 6th Interrogatory this Deponent saith, that during the time this Deponent was a Member he doth not know or remember that any of the Burgesses did qualify before a Majority of the Members, representing all the Precincts or Counties and Towns in this Province were met.

JAs CRAVEN.

Edenton 12th April 1749.

The Examination of Abraham Duncan, Inn-holder at Bath taken before Us Enoch Hall Esqre Chief Justice of North Carolina, & Joseph Anderson Esqre Judge of the Admiralty Court of the sd Province, by Virtue of an Order of the Right Honourable the Lords of the Comtee of Council for Plantation Affairs, dated the 14th Day of July 1747 at the Council Chamber Whitehall, taken this 13th day of April 1749.

To the 1st Interrogatory this Deponent saith, that his Excellency Gabriel Johnston Esqre Governor of this Province put up at this Deponent's House on his return from Wilmington in December 1746.

To the 2nd Interrogatory this Deponent saith, that the said Governor stayed at this Deponent's House ten or eleven Days by reason of exceeding bad weather and great frosts which happened in December 1746.

To the 3rd Interrogatory this Deponent saith, that sundry Gentlemen waited on his Excellency during his stay at this Deponents House, & his Excellency discoursed with these Gentlemen concerning the Laws made at Wilmington and seemed to recommend them as good Laws.

To the 4th Interrogatory this Deponent saith, that he cannot charge his Memory with anything touching the said Interrogatory.

To the 5th Interrogatory this Deponent saith, that his Excellency said that Haywood & Howell had run away, and if they had not run away they had passed another Law.

ABRAHm DUNCAN.

NORTH CAROLINA—ss.

By his Excellency Gabriel Johnston Esq^re^ His Majesty's Captain General, Governor and Commander in Chief in and over the said Province.

A Proclamation.

Whereas the General Assembly of this Province by Virtue of his Majesty's Writts of Election were to have met at Edenton on this Day as by appointment of the said Writts, and as a sufficient number of his Majesty's Hon^ble^ Council have not met according to the appointment of the said Writts

I do hereby prorogue the said Assembly to the ninth day of this Instant and the same is hereby accordingly prorogued to meet at Edenton. GAB: JOHNSTON.

Given at Edenton the eighth day of March An: Dom: 1742. by his Excellency's Command. JAS: CRAVEN Dep: Sec^y^

[Then follow two other prorogation proclamations, one of the day after the above, and for the same cause, the other of the 11th June, 1746, for want of a sufficient number of members of the Lower House to transact public business.—EDITOR.]

NORTH CAROLINA—ss.

George the Second by the Grace of God King of Great Britain, France and Ireland, Defender of the Faith etc

To the Provost Marshall of the said Province or his Deputy, Greeting

Wee command you to summon all the Freeholders Inhabitants of Chowan Precinct Qualified for Election of Members of Assembly to convene at the Court House of the said Precinct on Tuesday the first day of May next. Then and there according to the Direction of an Act of Assembly Intituled an Act relating to the Bienniall and other Assemblys in regulating Elections and Members, To choose and elect five Members of Assembly to Advise, Consult and Consent to and with us about the Arduous and great Affairs and matters of our Province of North Carolina which Members so Elected you are to summons to meet at Edenton on Tuesday the third day of July next to sit in General Assembly for this Province, and this Precept and your Execution thereof, you are to return unto us at the time and place aforesaid of which you are not to fail. Witness our Trusty and well beloved George Burrington Esq^re^ Our Governor in Chief of our said Province under his hand and seal of our Colony at the Council Chamber in Edenton the 30^th^ day of March Anno Dom. 1733 in the sixth Year of our Reign.

GEO: BURRINGTON.

May 1st 1733 Was elected & Chosen in the Precinct of Chowan Members of the House of Burgesses to sitt in the Genl Assembly for this Government. Colln Edd Moseley, Col. Henry Boner, Capt Willm Downing, Mr. Cullen Pollock, Mr. Edmund Porter.

Test ℔ me WILLIAM MACKEY.

[1. Then follow similar writs of same date and returns for electing five representatives each for Perquimans, Pasquotank and Currituck precincts; 2. Also, writs dated 19th June, 1736, with returns for the election of five representatives each for the precincts of Chowan, Perquimans, Pasquotank, Currituck and Bertie, and one for Tyrrell county "to choose so many persons duly qualified to represent the sd Precinct in Assembly as by Law they are entitled to send." From the return it appears four representatives were chosen.

3. Writ for Edgecombe county, dated 21st November, 1739, to choose representatives duly qualified to sit in General Assembly. The return shows that four representatives were chosen.

4. Writ for Tyrrell, dated 4th July, 1744, to choose representatives duly qualified to sit in General Assembly. Four members were returned.

5. Writs dated 13th March, 1745, for Bertie, Chowan, Currituck, Edgecombe, Perquimans, Pasquotank and Tyrrell counties "to choose representatives duly qualified to sit." Five members were returned for each of the counties of Chowan, Currituck, Perquimans, Pasquotank and Tyrrell. Bertie sent three and Edgecombe two members.

6. Writ dated 4th November, 1746, for the town of Wilmington "to choose a representative." One member returned.—EDITOR.]

NORTH CAROLINA—ss.

George the second by the Grace of God of Great Britain, France and Ireland King Defender of the Faith etc.

To the Sheriff of our County of Chowan, Greeting

Wee Command you that you summon or cause to be summoned the Freeholders of our County of Chowan aforesaid to meet at the Court House within our said County on the third day of February next then and there to choose two Representatives duly Qualified to sit in General Assembly which Representatives so chosen you are required to summon to meet in General Assembly to be holden at New Bern for our said Province on the Twenty fifth day of the said Month of February then and there to consult on the weighty and arduous Affairs of Government Herein you are not to fail, and have you then & there this Writ with your Doings therein Witness our Trusty and well beloved Gabriel

Johnston Esq^re^ our Governor in Chief in and over our said Province at Wilmington under his hand and seal of our said Province the 5^th^ day of December, Anno Dom: 1746, & in the xx^th^ year of our Reign

GAB. JOHNSTON.

By his Excellency's Command.
R^d^ FORSTER Dep. Sec^y^

In obedience to the within Writt I summoned the Freeholders of the said County to meet at the time and Place within mentioned to choose two Representatives duly Qualified to sit in General Assembly, who at the time and Place aforesaid met and proceeded in the Election until the Pole was closed and examining the Tickets found that every Voter in that Election instead of Electing two Representatives had unanimously on equal Votes Elected five to wit John Hodgson, James Craven, John Benbury, Thomas Walton and Richard Bond.

J^no^ ALSTON, Sher.

[Similar writs were issued to Bertie, Currituck, Edgecombe, Pasquotank, Perquimans and Tyrrell counties. There is no return for Currituck, and the writ for Tyrrell reached there too late to be executed. The other returns were endorsed as follows:—EDITOR.]

Pursuant to the within Writt have summoned the Freeholders [Bertie] who accordingly met, and insisted notwithstanding the words of the Writt they had a Right to send three Representatives, they voted for three accordingly which are Benjamin Hill by one hundred and twenty Votes, James M^c^Dowell by one Hundred and six Votes, and Thomas Barker the third man by ninety four Votes, which the Pole hereunto annexed will make appear.

Given under my hand this 3^rd^ day of February 1746.

THOMAS WHITMELL Sher.

Pursuant to the within Writt the Freeholders [Currituck] met at the Court House and chose five Members But I told them I should [return] but two according to the Writt, and forthwith I proclaimed Col^o^ Caleb Wilson and Col^o^ Henry White, and the Freeholders Proclaimed the other Three, which is Capt. John Lurry Mr. Josiah Nicholson and Mr. Samuel Simmons. So says WILLIAM SHERGOLD Sher.

In obedience to the within Writt I summoned the Freeholders of the said County [Pasquotank] to meet at the time and Place within mentioned to choose two Representatives duly Qualified to sit in General Assembly who at the time and Place afores^d^ met and Proceeded in the Election until the Pole was closed and examining the Tickets found that every Voter in that Election instead of Electing two Representatives

had unanimously on equal Votes elected five (to wit) John Solley, William Williams, James Morgan, George Whitby, Griffith Jones.

SAM[l] HEIGHE Sher.

In Obdience to the within Writt I summoned the Freeholders of the said County [Perquimans] to meet at the time and Place within mentioned to choose two Representatives duly Qualified to sit in General Assembly who at the time and Place aforesaid met and Proceeded in the Election untill the Pole was closed and examining the Tickets found that every Voter in that Election instead of Electing two Representatives had unanimously on equal votes elected five (to wit) M[c]Rora Scarbrough, Thomas Weeks, John Harvy Joseph Lutton and Jacob Docton.

NATHANIEL CRUTHERS Sher.

By virtue of the within writt the Freeholders of Tyrrell County met and gave their Votes, according to List of their Votes herewith returned, and as [by] the Votes for Capt. Stevens Lee, & Capt. William Makee & Capt. Samuel Spruell, Mr. William Kenedy Esq[res] and Mr. Thomas Lee are Elected; I do hereby return Capt. Stevens Lee and Capt. William Makey elected, pursuant to the said Writt, and as for the other Three I leave to the Consideration of the Gentlemen of the General Assembly.

Given in return by me EDMUND SMITHWICK Sher.

NORTH CAROLINA—SS:

George the Second by the Grace of God of Great Britain, France & Ireland King Defender of the Faith etc.

To the Sheriff of our County of Bertie—Greeting

We Command you that you summon or cause to be summoned the Freeholders of our said County of Bertie aforesaid to meet at the Court House, within our said County on the eighth day of September next then and there to choose two Representatives duly Qualified to sit in General Assembly & no more, which Representatives so chosen you are required to sum̄on to meet in General Assembly to be holden at New Bern for our said Province on the Twenty ninth day of September next, then & there to consult on the weighty & arduous Affairs of Government. Herein you are not to fail and have you then & there this Writt with your Doings therein.

Witness our Trusty & well beloved Gabriel Johston Esq[re] our Governor in Chief in & over our said Province at New Bern under his hand & seal of our said Province the 7[th] day of March Anno Dom. 1746, & in the xx[th] year of our Reign. GAB. JOHNSTON.

By his Excellency's Command.

R[d] FORSTER Dep. Sec.

BERTIE COUNTY—ss.

In Obedience to the within Writ I have summoned the Freeholders of Bertie County who met accordingly and all Refused to Vote for Representatives even to a man & this with submission I return under my hand the 24th day of September Anno Domini. 1747.

JOHN BROWN Sher.

[Similar writs issued to Chowan, Pasquotank and Perquimans. On each writ there was an endorsement that "the Freeholders met accordingly but unanimously refused to proceed to an election by reason that there had been no dissolution of the Assembly since they had last elected members to represent them."—EDITOR.]

[B. P. R. O. NORTH CAROLINA. B. T. VOL. 11. B. 96.]

Answer of Gabriel Johnston Esqre Governor of North Carolina to the Petition of Peter Payne and others.

To the Right Honourable the Lords of the Committee of His Majestie's Council for Plantation Affairs.

The Answer of Gabriel Johnston Esqre of the Province of North Carolina to the Petition of the Complaint of Peter Payne McRoro Scarborough Simon Bryan, Caleb Wilson, Benjamin Hill and Stevins Lee against the passing an Act entituled an Act for the better ascertaining the Number of Members to be chosen for the several Counties within this Province to sit in General Assembly, and for establishing a more equal representation of all His Majestie's Subjects in the House of Burgesses.

MY LORDS,

In Obedience to your Lordships Order of the 14th July 1748 delivered him by one of the Petitioners the 21st day of January last, The said Governor did accordingly on the 22d day of February following serve the Chief Justice, and Judge of the Admiralty with a Copy thereof, and at the same time signified to them under his hand that your Lordships said Order was to be executed on the 28th of March next, The day immediately after the General Court, for the ease and conveniency of the Commissioners therein mentioned, And at Newbern as being most central for the Parties concerned, to the intent that the Petitioners might have timely notice and Accordingly Two Agents did appear in behalf of the Petitioners at the time and place appointed, But they refusing to permit the Agents of the said Governor to be present at any examina-

tions taken on their parts, or to be present themselves at such as were produced on the part of the said Governor, altho' often summoned and invited thereto, & in all things acting in the most secret and clandestine manner, contrary (as the said Governor apprehends) to the true intent and meaning of your Lordships said Order; and the said Governor being sensible of the consequence that might attend such hidden practises and examinations Ex Parte; was compelled to enter a protest before the said Commissioners, a Copy of which is hereunto annexed, attested by the Chief Justice only the Judge of the Admiralty refusing at this time to set his name thereto. And although some Interrogatories were then and there taken on the part of the Petitioners yet the said Agents also refused copies of them to the said Governors Agents and abruptly left the Place when your Lordships Commission was appointed to be executed. Giving the Chief Justice notice to attend at other times and places for other examinations on their part; A Copy of which is hereunto annexed, And for which no plea has been made or reason given, In as much as the said Governor had produced evidences on his part at Newbern from the same Places, to which the Commission is desired to be adjourned; A conduct the said Governor will not remark upon, but submit to your Lordship's Judgment.

For answer to the said Petition the said Governor humbly begs leave to say, that he apprehends he has not in passing the said Law now in contest broke through any of the constitutions of the late Lords Proprietors or violated any of the Priviledges the Inhabitants of North Carolina were entitled to, as is insinuated by the said Petition which he humbly hopes will appear to your Lordships from the following considerations.

1st. That upon the arrival of the said Governor in this Province in October 1734 he found the people in possession of an Act of Assembly of this Province, Intitled an Act relating to the Biennial and other Assemblies, and regulating Elections, and Members, commonly called the Biennial Law, Whereby it was among other things enacted that the several precincts in Albemarle County which were at that time Four, should send five Members out of each Precinct to the General Assembly, and those to the Southward in Bath County but two, These Precincts being of large extent have been since erected into Counties by their several names, and Sheriffs appointed, more agreable to the Constitution of Great Brittain.

By this Law it was also enacted that the Freeholders of each Precinct should meet in September Biennially at such places as were therein appointed, to choose their Representatives, which Representatives were

accordingly to convene in November following and this without any Writt or Precept for that Purpose from the Governor or Palatine Court, which proceedings as they seemed to clash with the Royal Prerogative were the reasons for which (it is humbly apprehended) His Majesty in His Great Wisdom thought proper to repeal the said Act; and which repeal was signified to the said Governor.

2d. Although it plainly appeared to the said Govr that the above mentioned Law, while it subsisted was the only Ground upon which the Inhabitants of Albemarle County (then so called) could claim the right now in contest before your Lordships, and that the said Governor (as he conceives) would have been justified had he then put the repeal of the said Law in its full force by issuing Writts for two Members only, throughout the whole Province

Yet in consideration that the affairs of the Province were at that time in great confusion occasioned by the said Governor's ardent endeavours to provide a rent roll to his Majesty and to recover a large arrear of Quit rents then due to the Crown; Both which points were chiefly obstructed by these very Inhabitants of Albemarle County, and in which two of the Petitioners were deeply concerned. He thought it the most prudent step to be silent on that subject for some time, at least till these affairs were got over in the Assembly; Only with this caution, that as before the Repeal of the said Law, the Writts of Election for those Countys directed five Members to be chosen, they were now altered and the words *to choose Representatives*, leaving the number indefinite, have always since been the stile of them as will appear to your Lordships by Copys of some of them hereunto annexed; although the Petitioners have ventured to assert the contrary.

Such a Conduct the said Governor hopes will not be thought blameable while the ends proposed by it were His Majesty's Interest & Service and the welfare of this Province. As he had some hopes by such a connivance, the Assembly might in some time be brought to consider those two points as their duty and act agreable thereto, But herein My Lords the said Governr had the mortification to find himself mistaken The number of Members sent to the Assembly from Albemarle County were too great a majority for the rest of the Countys in the Province; And that majority consisting for the most part of weak and ignorant persons, conducted & governed by two or three designing men, whose custom it was to perplex and confound the business of the Assembly in such a manner as to render abortive almost every proposal that could be introduced for the settlement of the Province and the Publick Utility, unless they might reap some private advantage from it.

Such was a Law for regulating the Courts of justice and providing a remedy against the scandalous practise of keeping the honest Creditor out of his right for some years even in the plainest cases; a Law often attempted and as often defeated till at last it was brought to pass at the same time with that which is now become the subject of your Lordships enquiry.

It would be endless my Lords to enumerate the many artifices made use of by these Persons for this purpose and some of them very particular.

It was usual for them in such cases to break the House, as it was called, by such a number absenting themselves from the service of it as not to leave sufficient to proceed on business; When after the said Governor & His Maj$^{tie's}$ Council had waited some days for their return he was compelled either to Prorogue or dissolve them.

This was put in practice by Benj: Hill, one of the Petitioners with some others in November 1739, as appears by an Affidavit hereunto annexed.

On some occasions they would influence the House of representatives to send very indecent Messages to His Majesty's Council while sitting as an Upper House of Assembly, and contrive Papers to be dropped at the door of the Council Chamber signed by some one or more of their Members containing threats if certain favourite Bills of theirs were not dispatched; An instance of which among many others is now laid before your Lordships properly attested.

His Majesty's Council being tired with so many frequent & repeated Obstructions to the Business for which they were convened, and being well convinced from what source this evil arose, as well as of the necessity of putting a stop (if possible) to the progress of it, at length resolved to enquire in the strictest manner they were capable of, upon what Grounds a Priviledge of sending five Members to the Assembly for the Countys in Albemarle was founded, besides that of the Biennial Law which was repealed, It having been asserted that they were in possession of that right before the said Law was passed, by the Lords Proprietors Charters & Constitutions and consequently that they could not be divested of it.

Accordingly, two Gentlemen of that Board were desired to make this inquisition, who after examining into such records as could be found, as well as some old standers in the Province who had been in business here for thirty or forty years past, reported the facts (as they apprehended) to be as contained in a Memorial which the majority of them presented to the said Governor under their hands the day of July 1744, An attested

Copy of which is hereunto annexed, And humbly submitted to your Lordships judgment.

As the said Governor conceives it to be as full an Answer as can be given to the charge of breaking in upon the Constitutions of this Government mentioned in the Petition, without spending your Lordships time in a dispute whether the Charter of the late Lords Proprietors or the Order of 1696 to their Governor Archdale (if such a thing there be) will be of sufficient weight with your Lordships to make good the said charge

What remains of the said Petition to be answered, is that Paragraph of it wherein the said Governor is charged with a design to ensnare and entrap the several representatives of the Northern Countys by summoning the Assembly to meet at Wilmington the 20th of November 1746, (which summoning as they call it) was a regular Prorogation in June preceding from Newbern to that place, as by the royal Prerogative he might well do, and this at a Season of the year extreamly intemperate, many broad ferrys to pass, and those ill provided with boats, whereby they were laid under a disability of attending &c. To all which as well as to the succeeding parts of the said Paragraph he begs leave to reply

That as to the inclemency of the season, it is notorious that the month of November is in this climate generally one of the most temperate throughout the year; and it is to be observed that by the Biennial Law before mentioned which was intended to be perpetual That month was fixed for the meeting of Assembly nor can it be supposed that the said Governor whose residence is in the same part of the Province with the Petitioners would subject himself to the rigours of so intemperate a season and the danger of such Ferrys while he was at liberty to choose a more favourable.

But my Lords the truth of this matter will appear by the Interrogatories & Affidavits hereunto annexed, That the Inclemency of the season and the length of the Ferrys were not the true reasons for their disobedience to the said Governors Prorogation, but a fixed and determined resolution and combination of all the members concerned in the Petition to put in practice the old artifice which had been so often successful of absenting themselves, & thereby breaking the house as they call'd it. That this resolution was taken immediately after the Prorogation before mentioned. And it is observable that in some of their consultations they made use of such language as does not seem consistent with the character of dutyfull & loyall subjects nor with that submission to His Majesty's Orders, and Instructions which is pretended to and set forth in the Petition.

To the last part of this Paragraph of the Petition the said Governor begs leave to referr to the Journals of both Houses hereunto annexed, which will plainly evince to your Lordships how unfairly the Petitioners have represented that fact, and upon the whole how ill grounded this part of the Petition is.

From this short state of the case the said Governor humbly hopes it will appear to your Lordships that the Inhabitants of the Northern Countys in this Province had no other right of sending five Members to the Assembly than the Biennial Law before mentioned. That if any such right may be claimed before the passing of that Law in 1715, it must be included in the said Law Since a right by Prescription is not pretended to be pleaded.

That the Law now complained of was passed not only by and with the advice & consent of His Majesty's Council but at their Instance, as the only remedy against the many evils, which from long experience they had found to attend such an inequality in the representative Body of this Province as before subsisted.

Lastly the said Governor begs leave to say that he esteems himself happy in that after fourteen years administration in this Government, amidst the tumults and disorders of a rude and undisciplined people, no charge of disobedience to His Majesty, No act of extortion, oppression or violence, has been the subject of any complaint against him; And that however your Lordships in your wisdom shall judge of this matter, it is plain that the passing this Law has produced all the effects, that were expected or desired from it here; since which time many wholesome and beneficial laws have passed which the Petitioners themselves and their Adherents do not deny to be such.

The due and speedy administration of justice provided for A rent roll given to His Majesty and Lord Granville, and the method of recovering Quit rents ascertained. The Laws of the Province, before a dead letter, now ordered to be revised, printed & published; Harmony and Concord seem to be established among the several Branches of the Legislature. The Publick Business is carried on with order & decency, and the whole Province begins to emerge out of that confusion it had so long laboured under.

All which is humbly submitted.

GAB. JOHNSTON.

[B. P. R. O. North Carolina. B. T. Vol. 11. B. 81.]

North Carolina—Bertie County—ss.

This day came before me George Gould Esq^re^ one of his Majesties Justices of the peace for the County aforesaid John Lovick Gentleman and being sworn on the Holy Evangelists Deposeth and saith that on or about the Twenty ninth day of October in the year of our Lord one Thousand seven hundred and forty six being in company with Wherriot Ormond Esq^re^ of the County of Beaufort, one of the Members of Assembly at that time at Edenhouse his Excellency Gabriel Johnston Esq^re^ then and there present, he heard the said Ormond ask the Governor whether he designed to go to the Assembly at Wilmington or not, the Governor replied yes; Mr. Ormond upon that said he believed t'would be to no purpose, for that the Northern Members declared at the end of the last Assembly at Newbern that not one of them would attend at Wilmington if the Governor should order the Assembly there, but that if his Excellency would alter the appointment of the Assembly from Wilmington to Newbern, the Northern Members would all attend and do business to his Excellencys satisfaction, for which he would be answerable. That he heard the Governor tell Mr. Ormond that it would be to his Majesty's service to have the aforesaid Assembly held at Wilmington, and that he was resolved to go, whether the Northern Members attended or not. etc. J^no^ LOVICK.

The Deposition of Samuel Swann being of full age duely sworn on the Holy Evangelists of Almighty God.

This Deponent deposeth and saith that sometime about the last of October in the year of our Lord one Thousand seven hundred & forty six, This Deponent being at the general Court then held at Edenton and observing that several of the Members of the General Assembly for that part of the Province were caballing together as he understood to come to an agreement among themselves not to go to the General Assembly which then stood prorogued to the third Tuesday in November to meet at Wilmington, and on conversing with one Mr. Peter Payne a Member of the General Assembly chosen by Chowan County on the subject of the Assembly's meeting at Wilmington aforesaid, the said Mr. Peter Payne told this Deponent that he believed there would be no Assembly, for that a Majority of the Members of the said Assembly had agreed among themselves not to attend at Wilmington. And further this Deponent saith that after the Disolution of that Assembly he was told

by several of the said Members that the reason of their not going to the said Assembly was that they understood this Deponent was Speaker of the said Assembly would not proceed of Business with a less number than a Majority of the whole Members. And further this Deponent saith not. SAMUEL SWANN.

NORTH CAROLINA.

Katherine Rutledge wife of Nicholas Rutledge late of New Bern Victualler on her Oath on the Holy Evangelist taken saith—

That in November 1739 when the Assembly was held at New-Bern her Husband and she kept an House of Entertainment in the said Town, That some of the Burgesses particularly James Craven Esq^re^ Mr. White and Mr. Shergold with others generally used their House that she understood that the Assembly was broke up by means of some of the Members withdrawing and absconding in the Bushes from whence it was usually called the Bush assembly. And that she often heard the assemblymen that used their House talk that they would not consent to the removing the Publick Business or seat of Government from Edenton. That she frequently heard divers of the Northern Members of the Assembly held at Newbern June 1746 speak both before and after the Assembly was Prorogued to Wilmington that they would not go thither.

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CATHERINE × ROUTLEDGE
mark

NORTH CAROLINA—SS.

James Durham of New Bern in Craven County in the Province of North Carolina Door-keeper to the House of Assembly maketh Oath that he was Door-keeper to the House of Assembly held at Newbern in June one thousand seven hundred and forty six and Mr. Samuel Spruel Mr. Edward Phelps Mr. William Burgess and that Mr. William Williams all Members of the said assembly lodged at this deponents House and that in a few days before the end of the session of the said Assembly this Deponent heard it talked among the Members that they apprehended the said Assembly would be prorogued to Wilmington at Cape Fear and the evening before the day of the said Assembly was prorogued as near as this Deponent can remember he was passing along the Streets of New-Bern and saw Mr. John Hodgson, Mr. Benjamin Hill with a great number of the Northern Members of Assembly (as he afterwards found) standing in a crowd pretty close together and heard them talking about the Assembly's being to be prorogued to Cape Fear, and on hearing of which this Deponent made a stop very near them, and heard them consult and agree

that if the Assembly should be prorogued to Cape Fear they would not go to meet or attend the Assembly there and that they would endeavour to perswade the rest of the Members who lived to the Northern of Pamplico River not to go and that then there would not be Members enough at the Assembly that should be held at Cape Fear to make a house to proceed on Business.

And this deponent further maketh oath that after the said Assembly was prorogued to Wilmington at Cape Fear he was told by several of the Gentlemen Members of the Assembly first mentioned who lodged at his House that they nor any of the Northern Members of Assembly would go to Cape Fear to meet any Assembly at all there and that afterwards this Deponent heard that an Assembly was held at Wilmington in New Hanover County according to the Prorogation and that none of the Members of Assembly for the Counties of Currituck Pasquotank Perquimons Chowan Tyrel or Bertie went to Cape Fear to attend the said Assembly And further this Deponent saith not.

JAMES DURHAM.

North Carolina.

Nicholas Rutledge late of New-Bern Victualler on his Oath on the Holy Evangelist Taken saith—

That in June 1746 when the Assembly was held at New Bern he was generally in Town and especially when the Assembly was prorogued to Wilmington which Prorogation he heard the Governor pronounce— That on its being imagined that the Assembly would be prorogued to Wilmington, he heard divers of the Members talk thereon particularly John Hodgson and James Craven Esq[rs] with divers others who spoke to this effect. That if the Assembly was to meet at Wilmington they would not go, that there could be no Assembly for they (as he understood the Northern Members) were the Majority

And this Deponent further saith that taking notice that Mr. John Wynn one of the Northern Members seeming to be very angry about the Assembly being to meet at Wilmington he asked Mr. Wynn the reason why he would not consent to do the publick business, to which he answered you can do nothing without us (meaning as he apprehended the Northern Members) We have you under our Thumb, or to that purpose. NICH° ROUTLEDGE.

North Carolina—ss.

John Berry of Craven County in the Province of North Carolina maketh Oath, that in the Month of June, one thousand seven hundred

and forty six, he dwelt on the road between New-Bern and Bath Town and kept a Tavern on the said road that one Mr. Samuel Spruel and Mr. Edward Phelps two of the Members of Assembly for Tyrel County called at this Deponents House in their return from the Assembly that had just been held at New Bern, and Mr. Spruel told this Deponent that the Assembly was prorogued to Wilmington at Cape Fear and said that the Governour might go and come back as he went for we meaning as this Deponent understood him the Northern Members shant wait upon him so far, at which Mr. Phelps laughed but did not say anything and further this Deponent saith not. JOHN BERRY.

North Carolina—ss.

Benjamin Fordham of New Bern in the County of Craven and Province of North Carolina maketh oath that he was messenger to the house of Assembly at the session held at New Bern some time in June one thousand seven hundred and forty six and that a day or two before the said Assembly was prorogued he heard it talked by Mr. Benjamin Peyton and Mr. Samuel Sinclare and several other Members of the House of Assembly, that they apprehended that the Assembly would be prorogued to Wilmington at Cape Fear, and that the said Members did in the hearing of this Deponent consult and agree among themselves not to go to the Assembly if it should be prorogued to Wilmington aforesaid and said that if they the Northern Members would agree not to goe there would not be Members enough to make a house, and that then there could not be any Assembly held at Wilmington, and this Deponent further maketh oath that in passing to and fro' among the Members of that Assembly he often saw them in clubs or companies and heard them talking and consulting not to go the Assembly if it should be prorogued to Wilmington but that he cant charge his memory with the particular names of the Members who were in company at the several times, when he see and heard them consulting and talking not to go as aforesaid to Wilmington (except those above mentioned) this Deponent not expecting to be called upon or examined on the affair, did not give any great attention to what he see and heard and further this Deponent maketh oath that he was present and heard that Assembly prorogued by his Excellency Gabriel Johnston Esq^re^ Governour in Council to Wilmington at Cape Fear to meet in November then next ensuing, that he heard it afterwards generally talked that an Assembly was held there agreable to the said Prorogation and that the Northern Members in general did not go to the said Assembly and further this Deponent saith not

BENJAMIN FORDHAM.

NORTH CAROLINA—ss.

John Teer of New-Bern in the County of Craven in the Province of North Carolina maketh oath That he was at New Bern in the month of June one thousand seven hundred and forty six that the day the Assembly was prorogued to Wilmington at Cape Fear in New Hanover County he saw several of the Members at the Court House door where the Assembly had sat—heard them talking among themselves and saying they would not go to Wilmington to attend the Assembly there but that this Deponent did not know any of their names being a stranger to them all, and further this Deponent saith not. JOHN TEER.

NORTH CAROLINA—ss.

George Johnston of Tyrel County in the Province of North Carolina Bricklayer maketh oath that he was in the year of our Lord one thousand seven hundred and forty six in the month of October at Edenton before the meeting of the Assembly that stood then prorogued to Wilmington at Cape Fear in New Hanover County and heard it talked and consulted between Mr. John Hodgson Mr. James Craven Mr. John Banbury Mr. Stephen Lee Mr. James Blount and Mr. William M°Kay (the four last being Members for Tyrel County) not to go or attend at the said Assembly to be held at Wilmington and after having severally declared they would not go Mr. Hodgson said if we dont go nor any of the Northern Members by God there can't be a House and they must come back again; meaning as this Deponent understood the Governour and such Members of the other counties that should go to the said Assembly, and further this Deponent saith not.

GEORGE JOHNSTON.

NORTH CAROLINA.

Bridget Arthur of Craven County in the Province of North Carolina maketh oath that in the month of June in the year of our Lord one thousand seven hundred and forty six, her husband John Arthur kept a Tavern and also a Ferry over Neuse River near New Bern Town over which many of the Members of the Assembly of the Northern Countys of this Province came and returned in their way to and from an assembly that was held in the said month and year at New Bern, that Mr. Benjamin Hill, Mr. John Hodgson, Mr. James M°Dowall, Mr. James Craven, Mr. Lee, Mr. Benjamin Peyton and several others members of Assembly as this Deponent was informed they were whose names were unknown to this Deponent came over the Ferry in their way to New Bern to meet at the said Assembly and seemed very much out of temper or angry that they should be called to meet an Assembly at Newbern,

and Mr. John Hodgson Mr. Benjamin Hill and Mr. Craven said that they should soon return for that they shou'd not stay above a day or two to do any business and that they (meaning as this Deponent understood them, the Governour Council and Southern Members) might make laws by themselves for that we will not follow their any more, and this deponent further maketh oath that sometime afterwards the said Gentlemen and many other Members of Assembly as she was informed they were came to her house to go over the said Ferry in their return home and in their discourse said the Assembly was prorogued to Cape Fear and did promise and engage themselves to each other that they would not go to attend the Governor and Assembly there, and said if they did not go nothing could be done and further this Deponent saith not

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BRIDGET × ARTHUR
Mark.

Edmond Smithwick of Tyrell County in the Province of North Carolina Gentleman aged fifty years and upwards being sworn and examined deposeth as followeth viz:

To the first Interrogatory this Deponent saith that he was Sheriff of Tyrell County part of the year One thousand Seven hundred and forty seven.

To the second Interrogatory this Deponent saith that he received a Writ for Election of Members for the said County of Tyrell and that the said Writ directed that two Members to be chosen to represent that County in the General Assembly to be held at New-Bern.

To the third Interrogatory this Deponent saith that he was in Company with Mr. John Hodgson Mr. Benjamin Hill and others Members said to be chosen for the Northern Counties saith that after the said Election he was in Company with Mr. John Hodgson and Mr. Benjamin Hill and Mr. James Craven Members and others and that some of the said Members required a sight of this Writ and found fault with this Deponent for returning only two Members pursuant to the said Writ.

To the fourth Interrogatory this Deponent saith that Mr. John Hodgson Mr. Benjamin Hill and Mr. James Craven or one of them asked this Deponent if the Gentlemen of his Country had given him security to Indemnify him for returning five Members as chosen Burgesses for the said County by virtue of the said Writ and saith that he this Deponent replied to them that he had taken no security to do an unlawful act nor would not and that they or some of them offered this Deponent security if he would return five Members chosen by virtue of the said writ as the Sheriff of Chowan or the Sheriffs of some of the low Counties had done.

To the fifth Interrogatory this Deponant saith that Mr. John Hodgson or Mr. James Craven or one of them Members for Chowan shewed this Deponant the Writ of Election for the said County of Chowan or some one of the Sheriffs of the Northern Counties and acquainted this Deponant that the Sheriff had returned five Members of Assembly as chosen Burgesses for that County and that the Gentlemen or some of them of that County had given their Sheriff security to Indemnify him for so doing.

To the sixth Interrogatory this Deponant saith that the Writ directed to him and also the Writ shewed to him this Deponant by the said Mr. Hodgson or Mr. Craven directed that the Members should be chosen for the said Counties and he never heard that any of the Writs issued at that time were for electing more than two Members for each of the several Counties of this Province to serve in the General Assembly.

To the seventh Interrogatory this Deponant saith that about the month of April one thousand seven hundred and forty eight he was at Mr. Alstons who was Sheriff at the time of that Election and having conversation about the returns of that Election he heard the said Alston say that he had security given from the persons of the County of Chowan to Indemnify him for any Damage that might happen to him on account of returning five Members and that if it was to do again he believed he should not do it. This Deponant further saith that he doth not know that the Sheriffs of Currituck Pasquotank Perquimons or Bertie had such security But that it was generally said that they had.

To the Eighth Interrogatory this Deponent saith that he never saw any of the returns of the said Writs for the said Counties save one and that Writ had a return thereon of five members as chosen to sit in General Assembly except his own Writ which had only two

EDMUND SMETHWREK.

New-Bern the 5th of April 1749.

Wyriot Ormond of Beaufort County in the Province of North Carolina Gentleman aged Forty two years or thereabouts being sworn and examined deposeth as followeth (viz.)

To the first Interrogatory This Deponant saith that he was at the Governours House the latter end of October one thousand seven hundred and forty six

To the second Interrogatory This Deponant saith that when in conversation with the Governour he said he was not capable to advise him yet he beleived if the Assembly might or could be prorogued to meet at New Bern they would do Business he further said he beleived there

would not be Burgesses enough to make a House at Wilmington from any judgement he could form of men in their circumstances and this Deponant further saith that if he might presume to advise him the said Governour he would not advise him to go to Wilmington.

To the third Interrogatory This Deponant saith that in the Latter end of June or the beginning of July one thousand seven hundred and forty six in the Street at New-Bern just after the prorogation of the said Assembly to Wilmington he heard some of the Northern Burgesses with great heat say they would not go to Cape Fear in November others more coolly said that they could not attend there and that the Governour had done it on purpose for it was at the time of killing of Beef and the time of the Pork Season coming on when they must be at home afterwards in the beginning of November at Edenton he heard some of the Members of Chowan County say they would not go to Wilmington to the Assembly others that they could not go and some Members of the other Counties and Mr. Blount said that if Members enough went to make a House he would go.

To the fourth Interrogatory This Deponant saith that the reasons that induced him to tell the Governour why he beleived there would not be Burgesses enough to make a House at Wilmington were that the circumstances of some of them as he heard them say would not permit them to go for their Livelihood depended upon the Beef and Pork Season and that he had not seen any of the Members since the Prorogation as this Deponant verily beleives and from what he heard the Northern Members declare when the Assembly was prorogued to Wilmington.

WY: ORMOND.

New-Bern the 5th April 1749.

Joseph Blount of Chowan County in the Province of North Carolina Gentleman aged about Thirty Two years being sworn and examined deposeth as followeth viz:

To the first Interrogatory this Deponant saith that he was a Member of the General Assembly held at New-Bern in the County of Craven in the Twelfe day of June one thousand seven hundred and forty six.

To the second Interrogatory this deponant saith that the said Assembly was prorogued to Wilmington in the County of New Hanover at Cape Fear.

To the third Interrogatory this Deponant saith that he was in company with Mr. John Hodgson Mr. Benjamin Hill Members of Assembly and some others the day that the said Assembly was prorogued and heard Mr. Hodgson and Mr. Hill say that they would not go to Cape Fear to attend that Assembly for that they had been called and harrassed about

to Assemblies so often and at such unseasonable times of the year that they beleived it was done on purpose to tire the Patience of the Northern Members as the Southern Members might get what Laws passed they wanted without the company of the Northern Members.

To the fourth Interrogatory This Deponant saith that in the latter end of October or the first of November One thousand seven hundred and forty six he was in company with Mr. John Hodgson a Member for Chowan County this Deponant was saying he was preparing to go to the Assembly at Cape Fear the said Hodgson told this Deponant there would be no House and that this Deponant had better not go to spend his time and money and run the risque of his death to no purpose but by any other person he doth not remember he was advised not to go.

To the fifth Interrogatory This Deponant saith that he doth not remember that he ever heard there was an agreement among the Northern Members not to go to the Assembly at Cape Fear but hath heard Mr. Hodgson a Member for Chowan County say that he would not go to the said Assembly and several others say that they could not go to the said Assembly for the reasons aforesaid.

To the sixth Interrogatory This Deponant saith that none of the Members of Currituck Pasquotank Perquimons Chowan Bertie or Tyrell did go to the said Assembly held at Wilmington.

To the seventh Interrogatory This Deponant saith that he knoweth of no other agreement among the Members of the aforesaid Counties not to go to the aforesaid Assembly held at Wilmington except hearing Mr. Hodgson and Mr. Hill two of the Members of the said Counties say that they would not go to the said Assembly.

New-Bern the 5th of April 1749. J° BLOUNT.

John Bonbury of Chowan County in the Province of North Carolina Gentleman aged Forty two years and upwards being sworn and examined deposeth as followeth (viz:)

To the first Interrogatory This Deponant saith that he was a Member of the General Assembly held at New-Bern in the County of Craven the Twelfe day of June One thousand seven hundred and forty six and that he did attend at the said Assembly.

To the second Interrogatory. This Deponant saith that the said Assembly was prorogued at New-Bern aforesaid to meet at Wilmington in the County of New Hanover at Cape Fear.

To the third Interrogatory This Deponant saith that he hath heard some of the Members But who he doth not know of that Assembly chosen for the Northern Counties say that they would not or could not

go to Cape Fear to attend that Assembly because it was a very expensive Place and fatigueing Journey.

To the fourth Interrogatory. This Deponant saith that John Hodgson a Member of the said Assembly did advise this Deponant not to go to Cape Fear to attend the said Assembly.

To the fifth Interrogatory. This Deponant saith that he hath heard that there was an agreement among some of the Members of the Northern Counties not to go to the said Assembly that stood prorogued to Wilmington but by whom he doth not remember.

To the sixth Interrogatory This Deponant saith that he beleives that he acquainted Sam: Swann Esq^re^ Speaker of that Assembly at Edenton at the time of General Court that was held there in the month of October before the meeting of Assembly at Wilmington that he heard that some of the Northern Members had agreed not to go to the Assembly that was to be held at the then next month of November at Wilmington.

To the seventh Interrogatory This Deponant saith that he never knew or heard that any of the Members of the Counties of Currituck Pasquotank Perquimons Chowan Bertie or Tyrell did go to the Assembly held at Wilmington aforesaid.

To the eighth Interrogatory. This Deponant saith that he beleives that there was an agreement among some few of the Members of the said Counties not to go to the said Assembly to be held at Wilmington aforesaid. J. BONBURY.

New-Bern the 5^th^ of April 1749.

North Carolina.

To his Excellency Gabriel Johnston Esq^re^ Captain General and Commander in Chief of his Majesties Province of North Carolina

The Memorial of the Members of His Majesty's Council of the said Province.

May it please your Excellency.

The Members of his Majesty's Council having with great concern reflected upon the present confused state of the Province the many and great difficulties which the administration of publick affairs has been and is still attended with the artifices too often made use of by ill designing Men to defeat and bring to nothing the very best schemes for the Publick good particularly manifested during the last session of Assembly when instead of providing in a just and equitable manner for the sinking the present Bills of Credit now just expiring which your Excellency so earnestly recommended to them a Bill was brought into the House of Burgesses to continue them for Ten years longer on a very slender foun-

dation and not only so but a new Emission of paper therein proposed of £16.000. Proclamation Money without any foundation at all which they obstinately persisting in occasioned your Excellency among many other reasons to dissolve them In all humble Duty to his Majesty's and regard to your Excellency's Administration Beg leave to offer to your Excellency's Consideration the two following Points as the source of these and many more evils which your Excellency's long experience in the Government must acquaint you with, and therefore needless to enumerate and at the same time to give your Excellency an account of the reasons why they have so long subsisted and humbly offer our advice towards a remedy.

The want of a more central and convenient place for the meetings of the General Assembly, holding the Courts of Judicature, keeping the public Records and Transacting at proper times of the year all the publick business of the Province. The great difficulties and hardships that his Majesty's more Southern subjects are liable to from the Court of Judicature being held and the Secretary's Office kept at Edenton the most Northern Part of it are too obvious and too well known to require particular account of. The only reason for this practice we find to be a Law passed in the year under the proprietors Government which the greatest part of it then settled was circumscribed within the Limits of what was then called Albemarle County and long before the more Southern parts were inhabited, by which Law of Penalty is laid on the several Officers who shall keep their Offices in any other place since which time several new Counties to the southward have been made whose number of Inhabitants Trade and Commerce with Great Britain especially those on Cape Fear River your Excellencys well apprised of

2ndly. The great inequality of Members in the Lower House of Assembly by whom the several counties in this Province are represented.

As this inequality consists in five of the Northern Counties being allowed hitherto to send each five Members to the General Assembly while the more Southern were allowed but two we have made the most diligent enquiry into the grounds and reasons upon which this pretended Priviledge is founded and upon an impartial Examination find it rather to be of late usurped than supported by any reason of right or law subsisting for that purpose a state of which we now lay before your Excellency.

After the Charter granted by King Charles to the Lords Proprietors of Carolina they formed several Constitutions or Rules of Government wherein (inter alias) It was provided that the lands should be laid off into Counties each county to be a seperate Government and a Proprietor

or his Deputy to have the Government of it But still the whole eight Counties to be under the Government of the Eight Proprietors accordingly the first Government or County was that of Clarendon County on Cape Fear River so called from the Earl of that Title first mentioned in the Charter the second was that of Albemarle from the duke of that name next in the Charter and it is to be remarked that the Deed of Grant to this County so highly valued by the Inhabitants of it and upon which so great a stress is laid with regard to his Majesty rents was directed to Samuel Stephens Governour of our above County of Albemarle and the seal of that County Government (used as the seal of North Carolina untill the King's purchase) had together with the arms of the eight Proprietors the word Albemarle in capitals fixed between the Coats.

As each County was by the constitution mentioned to be a Government so each County was to be subdivided into four Precincts and each precinct to send five Representatives to the General Assembly whereby the Number of Representatives for each of these small Governments was to be Twenty those to be chosen Biennially.

These Constitutions were for some time the rules of Government as may be seen by the Publick Transactions of the Assembly or Palatines Court to which every Member was to sign before his admission however some things in them seeming to differ with the peoples pretence of Titles to Lands by virtue of the Deeds of Grant with other objections was the reasons why they were never fully received but always signed with some exceptions and at last formally renounced by the people and the Proprietors themselves. But at the same time the Assembly made an Act called the Biennial Act wherein the substance of those parts of the Constitutions relating to Parliaments or Assemblys were contained by virtue of which the Assembly consisted of Twenty Members untill the addition of the Southern Counties which increased their Number

About this time the Government came to be distinguished by the name of North Carolina from a Settlement made at Ashly River and increasing Southerly by persons on Pamplico River and the parts adjacent that was called Bath County from one of the Lords of that name allowed to send two Members to the Assembly increased the number to Twenty two and so continued till about the year 1706 or 1707 when this County was subdivided into Two Precincts But the Northern Members not consenting to any more than two Members for a Southern Precinct the number amounted to but Twenty Four.

Since which time several new Precincts to the Southward have been made which as their Inhabitants increased were also allowed to send two Members by which means and the addition of Four Towns the Number

of Representatives at length amounted to Fifty of which that House at present consists.

From this short view of the Facts it appears plain to us the Inhabitants of Albemarle County formerly so called could plead no manner of right to the Priviledge but by virtue of the Biennial Law before mentioned while it subsisted which Law his Majesty having graciously thought fit to repeal that also vanishes.

Wherefore it is unanimously our humble opinion and advice to your Excellency on these heads

That your Excellency would be pleased to join with his Majesty's Council in soliciting the repeal of the Law before mentioned whereby it is thought the Courts of Justice Offices and Records of the Government are obliged to be kept at Edenton and an order procured for a more central and more proper place for these purposes as well for the greater ease and conveniency of his Majestys now numerous subjects of the Southern parts of the Province as to methodize and bring into order the several Offices and Branches of the Government now in Great confusion.

That in as much as by a Law passed by your Excellency in 1738 the whole province was divided into Counties and Offices appointed more agreeable to the Law and Practices of Great Britain and whereas the necessity of Publick affairs such as the sinking the Bills of Credit now near expiring with other matters of moment may induce your Excellency to a speedy calling a new Assembly that your Excellency would be pleased to issue precepts for the Election of two Members only for each County in the Province to the end that the Inhabitants in all and every of them may be more equally represented and the business of the Province carried on with less tumult clamour and Disorder than has for some time heretofore been practised.

NATH: RICE. ELEAZAR ALLEN.
ROBERT HALTON. MATHEW ROWAN.
ROGER MOORE.

North Carolina.

Thomas Lovick of Carteret County in the Province of North Carolina Esq[re] and Collector of his Majesty's Customs for Port Beaufort in the said County and Province maketh Oath that he was a Member of the Assembly that stood prorogued to meet at New Bern in Craven County sometime in November in the year of our Lord one thousand seven hundred and thirty nine and went to New Bern aforesaid to attend as a Member at the said Assembly and was at the house of one Mr. George Bowles in New Bern in Company with Mr. Benjamin Hill, Mr. John Hodgson,

Mr. John Blunt, Mr. Benjamin Peyton all members of the said Assembly for some of the Countys being to the North of Craven County and he heard the said Gentlemen say they intended to break the House that no Business might be done and perswaded this Deponent to keep out of the way and not attend when the House was going to meet which this Deponent refused to do and this Deponent further maketh Oath that the aforesaid Gentlemen told him that they heard the Members of Perquimons County were coming by water and if they should come there would be members enough to proceed to Business (tho' they the said Gentlemen did not attend) and therefore agreed in the hearing of this Deponent to keep a look out to see when they should come and to persuade them as this Deponent apprehended by their Discourse to keep out of the way that no Business should be done, and this Deponent further maketh Oath that the said Mr. John Hodgson, Mr. Benj: Hill, Mr. John Blunt and Mr. Benj: Peyton did keep out of the way and observed whenever the other Members were going to the House By which means there wanted Members enough to proceed on Business, and that after the Governour had prorogued the Assembly for several days and the said Gentlemen still keeping out of the way and the Members that were expected not coming the said Governour to the best of this Deponents Memory dissolved that Assembly and issued Writts for the choice of another and further this Deponant saith not. THO: LOVICK.

[Here follow three writs of election, two dated 21 November, 1739, one for Chowan and the other for Edgecombe, and a third dated 4th July, 1744, for Tyrrell, but as they do not differ in any respect from the writs as set forth in the testimony of the complainants it was not thought necessary to print them again. See *ante*, page 1180.—EDITOR.]

SIR

We intend to have Witnesses examined at Bath-Town on Monday the third day of April next and the twelfth day of the same month at Edenton in behalf of the Complainants mentioned in an order of the Right Honourable the Lords of the Committee of Council for Plantation affairs dated the 14th day of July 1748 at the Council Chamber Whitehall at which times and Places we hope you will give your attendance and accept of this notice and now grant us summons to summon such Witnesses then and there to appear. We are sir your most humble servants

WY. ORMOND } Agents &
T. BARKER } Complainants.

Held at New Bern the 30th March 1749.

NEW-BERN, April 3rd 1749.

To Enoch Hall Esqre Chief Justice and Joseph Anderson Esqre Commissioners appointed by the Right Honourable the Lords of the Committee for Plantation Affairs to enquire into the complaint of Peter Payne Mackrora Scarborough and others.

The Memorial of Gabriel Johnston Esqre Governour of North Carolina Sheweth

Imprimis That immediately after the Order of the Lords of the Committee served upon him he served you the said Commissioners with the copy of the said Order on the 22d of February last which service is returned upon Oath and at the same time signified to you under his hand in the following words This order of Council is to be executed on the 28th of March next the day immediately after the General Court for the Ease and conveniency of the Commissioners therein mentioned and at New-Bern as being most central for the partys concerned.

2d. That in consequence of this Notification you have hitherto proceeded and examined several Witnesses on both sides and two Witnesses have appeared one of which is already examined from the neighbourhood of Edenton upon a summons from the Chief Justice on the Governours Part.

3rd. That in all proceedings of this kind as the commission comes first to the hands of the Complainers and is by them served upon the Governour they ought in duty to come at the time and place appointed with their Evidence and Vouchers along with them to maintain their charge against the said Governour.

4th. That it is contrary to all custom and precedents, and indeed to the dignity of their Commission after the Examination is begun and a great Number of Witnesses Examined for the Commissioners to adjourn the said examinations from time to time and Place to Place at the desire of either Party but especially of the Complainers who ought to be always ready to prove their Accusations.

That such an Adjournment would be particularly unjust and unreasonable at this time as an Assembly was begun upon the first Day of your meeting and as the Council and several Members of the Lower House were concerned in the Transactions now complained of and as the Managers for the Governour one of them is a Member of Council and the other Speaker of the Assembly the Governour conceived that this is the most proper time and place for examining this affair fairly and to the Bottom.

That the Governour is informed that the Agents for the Petitioners have moved you the Commissioners to adjourn this examination first to Bath and then to Edenton the one about forty and the other a hundred miles distance from this place Tho any Witnesses from the most distant parts might with great ease and convenience been brought here as appears by the presence of John Banbury and Joseph Blount summoned by the Governour from Edenton That the plain Design of this Motion appears to be to lay the Governour under a necessity of breaking up the Assembly and to harrass the Witnesses who live in the Southern parts by obliging them to attend at the two distant places and others to which they may move hereafter the examination to be adjourned.

That the examination of the Witnesses in behalf of the complainers has been at their Instance managed in a secret clandestine manner and his Agents have not been admitted to be present at the time of their Examination Whereas the Agents for the Complainers have been always invited to be present while his Witnesses were examined and been earnestly desired to cross examine them. And all persons whatsoever admitted to be present.

For all such reasons the said Governour Protests that you the Commissioners shall not admit or examine any Evidence at Bath Edenton or any other place where the publick affairs will not admit him or his Agents to appear Interrogate and Cross Examine and all Evidence so taken shall be held and deemed Evidence ex parte and of no Force. That all Evidence shall be taken openly before all the people who think fit to attend.

That papers found or said to be found in the Office shall not be deemed Authenticate Evidence and proper Vouchers unless attested by the Secretary And lastly I crave a Copy of this my Memorial and Protestation signed by you the Commissioners. GABRIEL JOHNSTON.

Affidavits taken by way of reply to the deposition and affidavits taken and made on the part of the Governor:

Wyriott Ormond & Thomas Barker of North Carolina Esq^{rs} make Oath and say that on the thirty first day of March last past at New Bern they the said Deponents served his Excellency Gabriel Johnston Esq^{re} Governor of North Carolina aforesaid with Copies of the Interrogatories administered to Mr. Richard Lovett and Mr. William Herritage on the part of the Complainants mentioned in an order of the Right Honourable the Lords of the Committee of Council for Plantation Affairs, Dated the 14th day of July 1748, and further say not.

Edenton the 18th day of April 1749. T. BARKER.

WY. ORMOND.

Wyriott Ormond Esq^re^ of North Carolina aged forty two years & Thomas Barker of the said Province Esq^re^ aged thirty six years sworn on the Holy Evangelists make Oath & say, that they as Agents for the Compln^ts^ mentioned in an Order of the Right Hon^ble^ the Lords of the Committee of Council for Plantation Affairs dated the fourteenth day of July in the year of our Lord one thousand seven hundred & forty eight gave notice in writing at New Bern on the first day of April Instant to Nathaniel Rice Esq^re^ Secretary of the s^d^ Province to make out Copys of several Acts of Assembly Writs & other Papers for which he should be paid the usual Fees & the said Nathaniel Rice after the service of the s^d^ Notice told these Deponents that he had orders from the Governor not to give Copys of two Acts required by the said notice to the said Deponents as Agents for the Complainants to wit, the Act for making a new Emission of Paper Currency in value equal to Proclamation money etc, & an Act for Appointing an Agent etc as not being pertinent to the matter of Complaint mentioned in the s^d^ order because they were passed since the Act in the s^d^ Order Complained of, & that he the said Nath^l^ Rice should not deliver Copys of the afores^d^ Acts to these Deponents, & these Deponents furthur say that the said Nath^l^ Rice told them that several of the Papers whereof Copys were required by the said notice were in the office at Edenton that he should give Mr. Craven his Deputy directions to make out Copies thereof, & these Depon^ts^ furthur say that several Copys mentioned in the said Notice which they apprehend to be necessary have not been furnished them although they applied to both Offices.

W. ORMOND.

Edenton the 18^th^ day of April 1749.

T. BARKER.

The Deposition of Joseph Blount aged thirty three years of Edenton in the Province aforesaid Merchant taken in virtue of an order of the Right Honourable the Lords of the Committee of Plantation Affairs dated at the Council Chamber Whitehall, the 14^th^ day of July 1748, being first duly sworn on the Holy Evangelists, Deposeth and saith, that he this Deponent was a Member of Assembly held at New Bern in June in the year of our Lord one thousand seven hundred and forty six, and that he this Deponent went from Edenton in Chowan County by water in a Sloop belonging to this Deponent to Newbern in Company with Mr. James Craven, Mr. John Benbury & Mr. Peter Payne then also Members. And that he this Deponent returned from said Assembly at Newbern by water in the said Sloop to Edenton in Company with the said James Craven, John Benbury and several others, And this Deponent

furthur saith that to his knowledge the said James Craven who is mentioned in Bridget Arthurs Deposition (taken in behalf of the Governor) neither passed over the Ferry mentioned in her Deposition going to, nor returning from the said Assembly and this Deponent furthur saith Stevens Lee also mentioned in the said Bridget's Deposition together with William Mackey another Member of the said Assembly both went by water & returned by water in a Perryanger to and from the said Assembly. And this Deponent furthur saith that he was told by Mr. Thomas Lovick one of the Committee of Claims in the New Modle of Assembly that this Deponent was allowed four Pounds Proclamation Money for his attendance as an Evidence in Behalf of the Governor and that he frequently heard it discoursed at Newbern as he attended there that the Governor's Witnesses was or were to be paid for their Attendance out of the strong Box wherein the new Currency is kept and that the Complainants Witnesses were not to be paid and furthur saith not.

Edenton, the 19th day of May 1749. JO^{s} BLOUNT.

Macrora Scarbrough of North Carolina Esq^{re} aged fifty six years and Benjamin Hill of the said Province Esq^{re} aged fifty two years sworn on the Holy Evangelists make oath and say that on the fourteenth day of April Instant they the said Deponents being two of the Complainants mentioned in an Order of the Right Honourable the Lords of the Committee of Council for Plantation Affairs dated the fourteenth day of July in the year of our Lord one Thousand seven hundred & forty eight applied to Enoch Hall Esq^{re} Chief Justice of the said Province for sumons for Cullen Pollock Esq^{re} Robert West & Thomas Jones Gentlemen, to compel them to appear before the said Chief Justice & the Judge of Admiralty and to be examined and Testify their Knowledge in the behalf of the Complainants in the said Order mentioned agreable to the notice the said Commissioners had been served with the day before by the Agents of the said Complainants. And the said Deponents furthur say that the Chief Justice in Answer to such their Request told them that he would not sign any more summons or give any furthur attendance at Edenton.

MA^{o} SCARBROUGH.

Edenton the 19th day of April 1749. BENJ^{n} HILL.

Abraham Blackall of Edenton in the Province aforesaid, Practitioner in Physic & surgery aged forty three years having duly sworn on the Holy Evangelists Deposeth and saith, that in the Year he entered a Caveat in the Secretary's Office with Mr. Rob^{t} Forster the then Deputy Secretary of this Province to be heard by Council learned in the Law before His Excellency Gabriel Johnston Esq^{re} against Letters of Admin-

istration being granted to one John Selwood on the Estate of William Rowden & Charles Westbear Deceased partners in the baking Trade & in behalf of Sarah Rowden Widow of the said William Rowden who before had Letters of Administration granted her by Sir Richard Everard Bart. when Governor on her deceased husband's Estate, the said John Selwood having pretended to a false debt or claim of one thousand Pounds Currant Bills of the aforesaid Province Whereupon his Excellency the Governor appointed a day for hearing the Arguments touching the said Caveat at the Council Chamber in Edenton & this Deponent furthur saith that he attended with his Lawyer at the time and place appointed expecting the Caveat would have been debated that Day, when to his great surprise the Governor went out of Town without hearing or determining any Matter or thing touching the said Caveat and afterwards Granted Letters of Administration to the said John Selwood whereby he became possessed of and converted to his own use two valuable Slaves one whereof was taught by his Master William Rowden the Trade of Bisket baking which said slave was sold to the said Governor afterwards by the said Selwood for two hundred Pounds Notwithstanding he was worth the price of Four hundred Pounds so much having been offered by Captain George Martyn in the presence of this Deponent and this Deponent furthur saith that the widow of the said Rowden by means of the said Letters of Administration was deprived of the Possession of her late husband's Estate, and reduced to extreme poverty and want having three small children to maintain and further saith not.

ABRAHAM BLACKALL.

Edenton the 19th of May 1749.

The Deposition of Benjamin Hill aged about fifty two years of Bertie County Esqre taken in virtue of an Order of the Right Honourable the Lords of the Committee of Council for Plantation Affairs, Dated at Whitehall the 14th day of July 1748.

Who being sworn on the Holy Evangelists Deposeth and saith that he was one of the Members of Assembly called to meet at Newbern in November 1739, that when he got there observed that most of the Southern Members were met, but that several of the Northern Members that Designed to come by a Water Passage were not then arrived being detained by contrary Winds and bad weather And being told by Mr. Chief Justice Smith that the Southern Members intended to exhibit malitious Articles of Impeachment against him and that the Articles were drawing up by some of the Members of Council and requested him this Deponent together with some more of his friends to absent themselves that there might not be sufficient number to make a House until

the Northern Members were arrived & then he should not fear them and furthur told this Deponent that the Governor had promised that if the Members that were to come by water did not arrive in a few days and that if this Deponent would contrive that some of the Members then present would not meet to make up a House he had the Governor's promise to dissolve the Assembly, And thereupon this Depon^{t} being well assured that some of the Council and the Southern Members were strenous to carry on their Impeachment & being satisfied to have the Governor's Countenance therein he together with John Hodgson, Benjamin Peyton, and John Blount, did not attend the House for several Days. That on the evening of the first or second day he this Deponent with John Hodgson met his Excellency in Town who smileingly told this Deponent that he and his Companion were to be hanged for that the Kings Attorney and several Members had been for a Warrant to take them into Custody, but that he had for Answer said that he as Governor had nothing to do with the Members of their House and seemed well pleased with the conduct of this Deponent and his Companions. And furthur saith that in a few days the Northern Members not arriving, his Excellency dissolved the Assembly, and furthur saith not.

BENJ. HILL.

Edenton, this 19th day of May 1749.

The Deposition of John Blount, aged about forty four years, of Chowan County Gen^{t} taken in virtue of an order of the Right Honourable the Lords of the Committee of Council for Plantation Affairs, dated at Whitehall the fourteenth day of July one Thousand seven hundred and forty eight, who being sworn on the Holy Evangelists, Deposeth and Saith—

That he, this Deponent, was one of the Members of Assembly called to meet at Newbern, in November, one Thousand seven hundred and thirty nine, that when he arrived there he found most of the Southern Members were there met, and but very few of the Northern, and being well satisfied for several expressions made use of by the Southern Members, and some of the Gentlemen of the Council, that if they made a House before the Northern Members came up, they would pass several Laws that would be greatly to the Disadvantage of the northern Parts of the Province, and this Deponent furthur saith, that he never made use of any such Expressions or Persuasions as is mentioned in Thomas Lovick Esq$^{re's}$ Deposition (taken on behalf of the Governor) but should have been glad to have made a House and gone on with Publick Business provided there had been a sufficient Number of the Northern Mem-

bers to have prevented the Southern ones from passing such Laws as might be to the Prejudice of the Northern Parts and furthur this Deponent saith that it was currently reported that their not making a House was that the Southern Members should not carry on their Impeachment against Mr. Chief Justice Smith, and this Deponent declares that he had no such Intention, for Mr. Smith and he was scarce upon speakable Terms, and this Deponent furthur saith, that he had heard several Persons say that the absenting of the Members was very pleasing to the Governor, and the next succeeding Assembly, this Deponent being then a Member saith, that there was a very full House, and Motion being made relating to the Conduct of the absenting Members at their last Meeting, a large Majority were of opinion that they had acted well, and gave them the thanks of the House, and ordered that it should be entered on their Journals, and furthur this Deponent saith not.

J. BLOUNT.

Edenton, this 19th May 1749.

The Deposition of James Craven, aged about thirty nine Years of Edenton, in the Province aforesd Gentleman; taken in Virtue of an Order of the Right Honourble the Lords Committee of Council for Plantation Affairs. Dated at the Council Chamber Whitehall, the fourteenth day of July One thousand seven Hundred & forty eight, being first duly sworn on the Holy Evangelists, Deposeth & Saith

That he this Deponent was not a Member of the Assembly held at Newbern; called, in Catherine Rutledges Affidavit (taken in behalf of the Governor) the Bush Assembly, neither was he, this Deponent, at Newbern, during that Session of Assembly. And this Deponent furthur saith, that he intended to have gone to Wilmington Assembly in November One Thousand seven hundred & forty six, if he had not been prevented by a Violent fit of the Gout, & this Deponent furthur saith, that he doth not remember he saw George Johnston in October, one Thousand seven hundred & forty six, nor doth he remember Mr. Hodgson make use of any such Expression as is mentioned in George Johnston's Affidavit, taken in behalf of the Governor, for this Deponent saith he was not in a condition to be in Company, particularly in the Streets, being confined in his bed the greatest parts of the Month of October, Novembr & December, One Thousand seven Hundred and forty six, with the Gout, & furthur this Deponent saith not. JAS. CRAVEN.

Edenton this 18th day of May Anno Dom. 1749.

The Deposition of John Benbury aged forty two years & upwards of Chowan County in the Province aforesaid Esqre Taken in Virtue of an

Order of the Right Honourable the Lords of the Committee of Council for Plantation Affairs Dated at the Council Chamber Whitehall the 14th day of July, 1748, being first duly sworn on the Holy Evangelists Deposeth and saith that he this Deponent was a Member of the Assembly held at Newbern in June in the Year of our Lord one Thousand seven Hundred & forty six, & that he this Deponent went from near Edenton in Chowan County by Water in a Sloop to Newbern in Company with Mr. James Craven, Mr. Joseph Blount, & Mr. Peter Payne, then also Members, and that he this Deponent returned from the said Assembly at Newbern by Water in the said Sloop to near Edenton in Company with the said James Craven, Joseph Blount, and several others & this Deponent furthur saith that to his knowledge the said James Craven who is mentioned in Bridget Arthurs Deposition taken in behalf of the Governor neither passed over the Ferry mentioned in her Deposition, going to nor returning from the said Assembly and furthur this Deponent saith not. J. BENBURY.

Edenton the 20th day of May 1749.

A Reply to Governour Johnston's Answer to the Complaint of the Inhabitants of the Counties of Chowan, Perquimons Pasquotank, Currotuck &c.

Most Humbly Submitted. To the Rt Honble the Lords Commissrs for Trade & Plantation.

In Order to Explain the Subject Matter of the said Complaint, It is necessary (as humbly Conceived) to give a Brief State of the several Matters therein complained of, Vizt

That the late Lords Proprietors of Carolina being Impowered by His Majesty King Charles the Second to Grant Letters of Incorporation with distinct powers and Priviledges to the several Counties or Precincts within their Territories or Dominions, did by their Instructions dated 31st August and 17th October 1694 Authorize and Impower John Archdale Esqr Governour of Carolina to Constitute and appoint such Rules, Institutions and Orders for the Government of the said Provinces as he should think most proper for their Lordships Service.

That in pursuance thereof Govr Archdale allowed the Precincts of Chowan Perquimons, Pasquotank and Currotuck severally to have the Privilege of Electing five Members to represent them in the General Assembly (which Privilege they enjoyed when they were under the Government of Virginia) Yet at the same time directed that such Inhabitants as were settled in the County of Bath (which contained a vast Tract of Land not less than 200 Miles in length and 300 Miles in breadth) should

have only the Privilege of Electing Two Members to represent them in the General Assembly, But as the Inhabitants therein increased much the said County of Bath was divided into different counties or Precincts each whereof had the Privilege of Electing Two Burgesses to Represent them in the General Assembly, and in this manner it continued from 1694 until 1746.

Now the Question humbly conceived to arise is, Whether a Government so Constituted by the Royal Prerogative can be annulled or Dissolved by the Gov^{r} Council and Assembly even admitting that instead of the Eight Members (who were present at first) a full Assembly had met.

2^{dly} By the Charter Granted to the late Lords Proprietors of Carolina, it is Expressly directed that all Laws to be passed by them shall be *with the Advice and Consent of a Majority of the Freemen of the said Province* or their Delegates. And in pursuance thereof the constant and uninterrupted practice of that Colony until 1746, was to have a Majority of the Burgesses present before the Assembly should proceed to do any Business, and by this constant Rule they Acted.

A Question now arises how far a Sixth or Seventh part of that Assembly was Intituled or Authorized to break in upon the Constant and uninterrupted Rule and Practice of all Assemblys in the said Colony during Sixty Years and upwards, or Whether an appeal to the Crown only did lye?

It is humbly conceived that another Question arises under the two foregoing Queries, Viz^{t} Whether the Governour having Acted contrary to his Powers lodged in him by His Majestys Commission and the Instructions thereunto relating, and moreover Assumed a very illegal Power or Authority to barr the Inhabitants from having all their Representatives present together in Assembly, And by acting contrary to the Prerogative of the Crown in allowing the Assembly to take Cognizance of a Matter which did not of Right belong to it,

The Subjects be bound or liable to pay Obedience to such Acts as are made by the Gov^{rs} and a small part of the Assembly, contrary both to the Established Rules of Government and the Prerogative of the Crown?

The Gov^{r} in the Preamble to his Answer Endeavours to make the matter of Complaint Appear relative only to the six persons who were Chose as Agents or Nominees of the several Counties of Chowan, Pasquotank, Currotuck, And in the whole of his answer Endeavours to Represent the subject matter of Complaint as only depending between himself and the Members who represented the Northern Counties in 1746. Whereas in truth the case is quite otherwise For although the Inhabitants of the Northern Counties really believe that their Members

were artfully disabled from attending in that rigid Season of the Year at so great a distance as Wilmington and that the said Governor's design in proroguing the Assembly to that Place, was to have some Colourable pretence for depriving them of their Rights and priviledges Yet they most humbly conceive that in all Events they are not liable to any Censure for the Mistakes or Inadvertencies of their Representatives, And Averr that they would be very far from Vindicating them if they had appeared wanting in their duty to the Crown or guilty of any breach of Trust to their Constituents.

In the 1st Sheet N° 1 the Govr Complains that the Agents for the Northern Counties refused to permit his Agents to be present at any Examination taken on their parts or to be present themselves at such as were produced on the part of the said Govt

That the said Govr was thereby compelled to enter a protest before the said Commissioners but the Judge of the Admiralty refused to set his name thereto.

That although some Interrogatories were Exhibited on the part of the Petitioners yet their Agents refused to give copies thereof to the said Govrs Agents, and abruptly left the place where the Commission was to be Executed, after giving Notice to the Chief Justice to attend at other places in Order to take further Examinations on their parts. To which is Replied

That neither the Govt or any other Person on his behalf was hindered from attending when any Person gave evidence on the part of the Petitioners, but in relation to such Persons as were Examined upon Interrogatories they Objected against the Govrs Agents being present thereat, nor were the Agents for the Petitioners present at those Examinations but did in pursuance of His Majesty's Orders in Council Deliver a Copy of the said Interrogatories to the Govr Wherefore he hath not any Colour of reason to complain that his Agents were not served with the same.

That as the Petitioners humbly conceive the Govr deviated from his Duty by Delaying to serve the Commissioners with a Copy of His Majesties Order in Council for One Month and more after he received the same Although there were only Three Months allowed for taking the said Examinations and Moreover the Govr was not impowered to Order the Commissioners to meet at any particular place, especially above One hundred Miles distance from the residence of most of the Petitioners Witnesses, So that the Govrs Assuming to himself to be a Judge of what Evidence was proper to be taken, and his refusing to the Complainants the Common Right of taken Copies of the Currency Act and

several other Acts justly demanded by them, plainly appears to be Calculated or done with an unjust design to defeat the good Intentions of His Majesties Commission.

That the Commiss^rs before their Meeting in Nubern Granted Summons to several Witnesses on the part of the Petitioners to attend in Edenton above Eighty Miles distance from Nubern where the Agents for the Petitioners said as long as they could so as not wholy to prevent the Examination of the Witnesses Examined in Edenton where on their Arrival the Chief Justice gave all the Obstruction in his Power.

That as neither the Petitioners or any other Person on their behalf have been served with a Copy of the Gov^rs Protest, so they have been rendered incapable of giving any Answer thereto, which might have been easily done, if it contained any matter different from what is above stated, which is much to be doubted, since the Judge of the Admiralty refused to set his name thereto.

In the Second Sheet N° 2. The Gov^r after reciting part of the Biennial Law which was repealed in 1737, Although by him said to have been repealed in 1747, Sets forth that the said Law was the only Grounds whereon the Inhabitants of Albemarle County could Claim the Right now in Contest, And conceives that he would have been justified had he then put the Repeal of that Law in its full force by issuing Writs for Two Members only, throughout the whole Province But he in Consideration of the great Confusion then subsisting in the Province thought it more prudent to be silent on that subject. only with this caution that as before the Repeal of that Law the Writs of Election for those Counties Directed Five Members to be chosen—they were now altered, and the words *to Chuse Representatives* leaving the number indefinite have since that time been always the Stile of those Writs.

That he by such connivances hoped to bring the Assembly in time to their Duty but therein found himself mistaken, the Members sent from Albemarle County making too great a Majority for the rest of the Counties in the Province for which reason every Proposal made for the settlement of the Province and for the Utility was rejected. To which is replied

That on the repeal of the Biennial Law, His Majesty Commands and Enjoyns the Gov^r in all things to conform to His Majesty's pleasure then signified on that head, And that if the Gov^r really thought that the Precincts in Albemarle County had no other Tittle to Elect Five Burgesses than what was Grounded on that Law, he (as humbly Conceived) would scarce have taken upon him to dispense with His Majesties Orders in a Matter of that great Importance. That although some Alteration was

afterwards made in the Stile of the said Writ Viz^{t} *to choose Representatives duly Qualified* (which last words *duly Qualified* are Omitted by the Gov^{r} in his Answer) Yet the Sheriffs always returned Five Members for each of the said Counties or precincts. And the Gov^{r} at all times approved thereof. So that if the Gov^{r} is to be judged of by his own Actions he could not be of opinion that the Northern Counties were not after the Repeal of the Biennial Law, still Intitled to have Five Members to represent them in the General Assembly.

That if the Gov^{r} had really found that the Representatives of the Northern Counties had Obstructed him in his Duty and prevented every proposal made for the good of the Province from being carried into Execution, it is not easy to Conceive for what cause he was Silent on that head, during Nine years and upwards Viz^{t} from 1737 to Nov^{r} 1746 and that he did not agreable to his Instructions Submit his difficulties to the Crown to which only (as is also Conceived) an Appeal lay—But that he instead of pursuing his Instructions on that head should after so long a Silence bring the matter in Contest under the Consideration of a Sixth or Seventh part of the Assembly which (as is also Conceived) had not any Right to take Cognizance thereof—is a Conduct of a very Extraordinary nature and (as humbly Apprehended) destroys the very Essence of His Majesties Government in that Colony, And in lieu thereof Sets up a Jurisdiction of his own Contrivance.

By His Majesties Commission the Gov^{r} is directed to Issue Writts and Summons for calling Assemblies Agreable to the Laws and Usage of the colony so that on this head the Gov^{rs} power is thereby restrained and the very Assemblies themselves are not competent Judges of any Alteration which ought to be made in the Constitution of the colony.

It is further to be observed that if the Gov^{rs} Plea had been founded on Truth, Viz^{t} that the Precincts in Albemarle County had no other Claim or Right to have Five Members to represent them in the General Assembly than what was founded on the Biennial Law, Yet that Law being Repealed he was rendered inexcusable in applying to the Assembly to pass the Law Complained of.

Having thus Endeavoured to Demonstrate the Inconsistency of the Gov^{rs} first Plea on which he principally Grounds all the rest of his Defence, It is humbly Conceived that it may be very proper to observe That the Biennial Law gave to the Northern Counties or Precincts no new or additional Title to Elect Five Members but only Intituled them and also the Southern Counties to Elect their Members at certain Seasons of the Year, and likewise to meet in Assembly without any Writs or Summons being first issued by the Governour, and as this was con-

trary to the prerogative of the Crown His Majesty thought proper to Repeal the said Law in 1737, Although the Gov^{r} says in his Answer that the said Law was repealed in 1747 as above remarked in page 3.

The Gov^{r} in the 3^{d} Paragraph of the 3^{d} Sheet N^{o} 3 Insinuates that the Representatives of the Northern Counties obstructed him in passing a Law for regulating the Courts of Justice.

If those Representatives really had been wanting in their Duty on that head or in any other particular as a Collective Body in the House of Burgesses, the Gov^{r} might easily point out the obstructions given by them—But as in Truth they never gave to the Gov^{r} any opposition in relation to the passing of the said Law, but only to some different matters or Conditions tacked to it. So he could only have recourse to a General charge which cannot have any weight in an Appeal to the Crown.

And it is also to be observed that although the Gov^{r} brings the said Matter as a charge against the Representatives of the Northern Counties Yet he (as humbly apprehended) is much more to be Censured for his bringing any Law about regulating His Majesties Courts of Justice, before the Assembly in regard the Crown only could (as is humbly) take Cognizance thereof, and if any Laws were in force which obstructed the Courts of Justice—The Gov^{r} ought to have applied to the Crown for repealing the same without bringing that Matter before the Assembly.

In the Two last Paragraphs of the 3^{d} Sheet the Gov^{r} Represents,

That it would be Endless to Enumerate the many Artifices which the Representatives of the Northern Counties made use of to Obstruct and impede the Business of the Assembly, and particularly that Benjamin Hill and some other Members in 1739, by Absenting themselves prevented the House from sitting and proceeding on Business, And further that One or more of their Members dropped a Paper at the Door of the Council Chamber, Containing threats, that if certain favourite Bills were not passed they would obstruct the Council in their Affairs.

To which is Replied That if Benj^{a} Hill and One or two more of the Members of the Northern Counties, Acted against their Duty in so absenting themselves, the same was also done by some of the Southern Members, And as the Wrong Conduct of Two or three Members cannot in Justice be Charged upon all the Members in a Collective Body much less can it be Charged on the Counties which were not privy thereto.

But the Truth of the Fact appears to be very different from what the Gov^{r} would Represent it. In 1739 several Charges were brought against the late Chief Justice Smith in the House of Assembly and Seconded by several Members of the Council. Whereupon the Chief Justice who

was so intimate a friend of the Gov^{r} as to devise to him the Bulk of his Fortune—Applied not only to the Gov^{r} but also to Benj^{n} Hill and other Members of the Northern and Southern Division to Absent themselves in Order to prevent the House from proceeding on business, that the Chief Justice might thereby evade the Prosecution he was then under. All which will evidently appear by the affidavits taken in that affair and that the Gov^{r} far from discouraging that Conduct gave all the Countenance in his power, which Misbehaviour is humbly Conceived to be a Crime of a much higher Nature in the Gov^{r} than that of the Members of the Assembly withdrawing from their Duty. As to the other part of the Gov$^{r's}$ charge Viz^{t} that James Castellow One of the Members dropped Papers at the door of the Council Chamber, it is well known that the said Castellow was commonly Mad or Drunk, so that his conduct cannot with any Colour of Justice be imputed to the rest of the Northern Members.

In the Three first Paragraphs of the 4th Sheet, the Gov^{r} Represents

That the Council being tired with frequent Obstructions and Convinced from what Source that Evil arose, Resolved to Enquire upon what grounds the Northern Counties Claimed the Privilege of Sending Five Members to the Assembly.

That two Gentlemen of the Council being Examined the Records—Reported the Matter as it appeared to them which is contained in a Memorial presented to the Gov^{r} in July 1744, And is (as he Conceives) a full Answer to the Matter Complained of.

In the 1st part of the Gov^{rs} Answer, he is pleased to Ground his Defence wholy on the Repeal of the Biennial Law, But in the above Paragraphs he seems to be in doubt as to the Claim of the Northern Counties and Submits the Consideration thereof to Two Members of his Council If this had been done in Order to bring the matter in Dispute by way of Appeal before the Crown no reason could have been given for Objecting to it.

But as it was Calculated with other very different Views, And that in consequence thereof the Gov^{r} and Council found Means by the Prorogation of the Assembly to Wilmington to free themselves from the Northern Members and prevent their Attendance they brought the whole matter in dispute before a few of the Southern Members, who assumed an Arbitrary Power of New Modelling or Altering the Established Constitution of the Colony.

Therefore in Order to Explain this Matter rightly it is necessary to give a true State of the different Affairs and Circumstances of the Colony.

After the Division which was made between His Majesty and the Earl of Granville in 1744 the Northern Inhabitants were liable to pay their Chief Rents to his Lordships Agents which removed the principal Cause of Dispute generally Subsisting between His Majesties Gov^{rs} and the Inhabitants of the Colonies So that nothing could be required from them for His Majesties Service in which they had the least Interest or Motiff to Oppose the Gov^{r}.

But with regard to their private Concerns the Inhabitants of the Northern and Southern Division Act upon different Motives particularly in relation to their Currency.

The principal part of the Trade of the said Colony is carried on from Virginia by the Merchants and Traders who reside in the Northern Division And afterwards disposed of to the Inhabitants of the Southern Division, And by their Contracts with the Virginia Merchants they are not to be paid in Bills of Currency, So that if the Northern Inhabitants were liable to be paid their Debts in Bills of Currency, they cannot discharge their Contracts with the Virginia Merchants. Under those Circumstances the Inhabitants of the Northern Counties always opposed the Gov^{r} Council and Representatives of the Southern Division in passing a Law for Emitting Paper Bills of Currency.

Therefore in Order to carry their point, And also to Remove the Seat of Government, it became necessary to devise some Method to get rid of the Northern Members, that they might be the more at liberty to carry on their own designs.

That this was their Motiff will (as conceived) evidently appear on considering the Currency and Rent Roll Acts.

The Currency Act, intitles the Gov^{r} to £1000. Proc^{l}. and gives to him and his Dependants the power of Applying 6 or £7000. for Erecting Forts, although they had neither arms, Ordnance or Ammunition to put into the same, nor any Persons skilled in Fortifications to Erect the said Forts.

The Plea or pretence for so doing was the Exigency of their Affairs, but this could be no just reason for not inserting a Suspending Clause, especially as His Majesties Pleasure might have been known thereon, before they could be supplied with such Arms Ordnance and Ammunition.

The Rent Roll Act is principally Calculated to give a Currency to the paper Bills which were Emitted, For although it is said to be an Act for forming a Rent Roll for His Majesty yet in truth it hath very little (if any) relation to the Crown as it doth not require any person who holds Grants issued under the Crown, to Record the same on the Alteration of

Property either by Wills, Mesne Conveyances or otherwise And all the Grants issued under the late Lords Proprietors within His Majesty's Division do not amount to more than 16,000 Acres.

Moreover there is a Clause in the said Act of an Extraordinary and Unusual nature, which makes all Persons liable to the Forfeiture of their Lands who do not Record their Titles within Twelve Months from the date of the said Act. Which Clause was principally intended to compell the Northern Inhabitants to own the Jurisdiction of the Southern Assembly although the Northern Members had not the Liberty of Sitting in the Assembly or otherwise to make them Subject to the Forfeiture of their Lands.

In the Two last paragraphs of the 4th Sheet and 1st Paragraph of the Fifth Sheet the Governour Represents,

That the Month of November is generally the most Temperate throughout the year, That the Biennial Law which was intended to be perpetual fixed the Meeting of the Assembly in that Month,

That neither the Inclemency of the Season nor the length of Ferrys, was the true reason of their disobedience to his Prorogation, but a Combination of all the Members to put in Practice the Old Artifice of Absenting themselves and thereby Obstructing the business of the Assembly. To which is Replyed

That the Season of the year is for the most part very Windy and Intemperate in the Months of November and December, and that the Delay the Govr met with in his return from the Assembly at Wilmington plainly shews how intemperate the Season was.

That when the Biennial Law passed, the Bounds Comprising the Inhabitants were very narrow and Confined to what they are at present so that it could not be any great Inconveniency for the Members to meet at Edenton in that Season of the Year.

That the Trade and Commerce of the said Colony is greatly Altered within these 20 years, and that at present the principal Method they have of Paying their Debts in Virginia in return for Goods received from the said Province, is by disposing of their Beef and Pork in the months of November and December, and that if their Representatives (who are most of them Traders) should be taken off from this Business in this Season of the Year it would in a great measure Ruin them and their Families. And it is to be further Observed that the Northern Inhabitants allow to their Members *Three Shillings Sterling* during the time of their going to, and attending at the Assembly, And if the Govr will calculate the Sitting of the Assembly at that Season of the Year and at so great a distance as Wilmington, without any just cause for so

doing they cannot reasonably Expect that their Members will ruin themselves by giving attendance under such Circumstances, And if they were guilty of any such Expressions the provocations they had thereto, might in some Measure excuse the same.

What the Gov^{r} Charges of their having a fixed Resolution to put in practice their Old Artifice of breaking up the Assembly is conceived to be said without any foundation, as no more than Two or Three of their Members were concerned in the Obstruction given the House of Assembly in 1739. And those acted under the influence of the Gov^{r} and the late Chief Justice Smith, which Conduct is very Censurable not only as it relates to the Crown, but to their own Constituents. But when it arises from the Gov^{r} it is still a Crime of a much higher Nature, and the Minutes of the Council will shew that the Gov^{r} and Council have often put this Method in Practice to prevent the Assembly from Proceeding on business.

In the 2^{d} Paragraph of the 5th Sheet the Gov^{r} referrs to the Journals of the Council and Assembly adding that they will plainly Evince how unfairly the Petitioners have represented that Fact.

To which is Replied that (as it is humbly Conceived) the Journals of the Council and Assembly at Wilmington will fully Evince the Truth of what is alledged in that part of the said Petition of Complaint Viz^{t} that Eight Members only were present at their first Meeting, that they afterwards swore in Six New Members and proceeded to Business. And further that it Appears on the face of the Law, that several things therein represented are contradictory and not grounded on Truth.

In the Three following Paragraphs of the 5th Sheet, the Governour Represents

That he humbly hopes it will appear that the Northern Counties had not any other Right to Five Members than what arose from the Biennial Law.

That if they had any Prior Right it must be included in the said Law, since they do not plead or pretend to any Right by Prescription.

That the Law now Complained of was passed not only with the advice of His Majesties Council but at the Instance thereof as the only remedy against the Evils they found attending such an Inequality in the Representative Body of the Province.

To which is Replied

If the Northern Counties had no other Right but what arose from the Biennial Law, it is not Easy to Conceive from what Motiff or Authority the Gov^{r} allowed them after the Repeal of the said Law Viz^{t} in 1737 until 1746 to have five Members to represent them in the General Assem-

bly, or from what Motiff could the Gov^{r} bring the Matter in Complaint under the Consideration of the Assembly for had what he alledges been true there could not be any necessity for passing the Law Complained of.

That although that Law was passed with the Advice and at the Instance of His Majesties Council Yet (as it is humbly conceived) that could not Authorize the Gov^{r} to act contrary to the powers lodged in him by His Majesties Commission or the Instructions thereunto relating, And that in no Event whatsoever the Assembly was impowered to take Cognizance thereof.

The Northern Counties (as above Observed) were Considered as a Nursery for the more Southern Settlements and therefore had particular privileges granted to them, and under their present Circumstances it is conceived there is not the least reason to doubt that they will take any Measures to Obstruct or Impede any matter which may be Offered for His Majestys Service and on the whole it is humbly Conceived that the present disputes will evidently appear to arise from the Gov^{rs} attempting to Introduce the Currency Act, and several other Acts contrary to his said Instructions, and not from any opposition given to him in Matters relating only to the Service of the Crown.

In the last Paragraph of the Governour's Answer, He is pleased to Represent

That he Esteems himself happy that after Fourteen Years Administration no Acts of Oppression or Violence, have been the subject of any Complaint against him, And that however your Lordships in your great wisdom shall judge of this Matter, it is plain that the passing of the Law Complained of has produced all the Effects expected or desired from it. Since which time many beneficial Laws have been passed, the due and speedy Administration of Justice provided for,—A Rent Roll given to His Majesty and Lord Granville and the Recovery of the Quit Rents Ascertained. The Laws of the Province before a dead letter now Ordered to be revised and Printed and Harmony and Concord Established among the several Branches of the Legislature.

To which is Replied

That in 1738 no less than three different Petitions of complaint were presented against the Gov^{r} signed by a great number of the Council and Assembly complaining of the many Acts of Violence and Exertion of Power in him, and that even the Members of the Council have made frequent complaints on that subject. And it further appears by the evidence of Doct^{r} Abraham Blackall that the Governour hath been guilty of very Extraordinary Exertion of Power in the manner of his granting Administrations. The Merit which the Gov^{r} attributes to himself

in passing the Rent Roll Act and several other Acts referred to is conceived to be very Extraordinary in its Nature as those Acts were passed contrary to His Majesties Instructions, by not inserting therein a Suspending clause, and also for that His Majesty had not any Opportunity to Judge of the fitness thereof.

What the Gov^{r} asserts in relation to the Harmony Established among the several branches of the Legislature, seems very ill to suit with the present situation of affairs and with the opposition which is given by almost one third part of the Colony and it is very remarkable that altho' the Gov^{r} says that the Laws of the Province were before a dead letter but are now Ordered to be revised and Printed, That in the Proceedings before the Commissioners the Gov^{r} refused to the Agents of the Northern Counties the Privilege of obtaining a copy of such Laws as immediately related to their Petition of Complaint.

Having so Endeavoured to explain the several Matters contained in the Governour's Answer, It is in the most humble manner submitted, Whether the Governour hath not in all respects acted contrary to his Duty in not Appealing to the Crown, Provided any such Difficulties or Obstructions had really been given by the Representatives for the Northern Counties. And Whether the Gov^{rs} bringing the said Matter of complaint before the Assembly in the manner it was then introduced and afterwards passing several Acts contrary to His Majesties Instructions, do not evidently shew that he acted from private Motives, And that the pretence of Acting for His Majesties Service was in truth only a colourable Excuse for his so doing.

And whether such Arbitrary and illegal Proceedings are not incompatible with, and in all respects contrary to the Prerogative of the Crown and the Rights of the Subject.

May it Please Your Lordships [of the Board of Trade]

The Agent for the Province of North Carolina begs Leave to lay before your Lordships the enclosed Affidavits of Enoch Hall Esq^{r} Chief Justice of the said Province and of John Rutherford Merchant Inhabitant of the said Province and from these affidavits as well as from Repeated Instructions from his Constituents to Remonstrate to your Lordships how much the Scituation of Affairs in that Province requires a Speedy Determination on the several Acts of Assembly of that Province now before your Lordships But more Particularly on the Acts of Assembly for Establishing a more Equal Representation of all his Majestys Subjects in the House of Burgesses and also on that Act for Establishing the Courts of Justice and Regulating the Proceedings thereon

which said Acts your Lordships have been Pleased to Refer to his Majestys Attorney and Solicitor General for their Opinion thereon.

And your Memorlst being Apprehensive that the Petrs against the first of these two last mentioned Acts while they Screen themselves under the Sanction of such their Petition from the Payment of Public Taxes for the necessary support of Government and Do at the same time Evade Justice by Obstructing the Proceedings in his Majestys Courts of Law in that Part of the Province from whence the Petition Comes, under such circumstances your Memorlst with reason apprehends that the Petitioners will Effect Delay in bringing this matter to an Issue in so far as they themselves are Prosecutors in the case.

Your Memorlst therefore in order to Prevent so far as in him Laye any such Delay in behalf of the said Province prays your Lordships will be Pleased to Transmit these Affidavits to His Majestys Attorney General and Solicitor General with such Observations thereon as your Lordships shall think proper for expediting the Case now before them.

J. A. ABERCROMBY
Agent for North Carolina.

John Rutherford of Wilmington in the Province of North Carolina Merchant at present in London maketh Oath and sayth that he left the said Province in the Month of March last and that this Deponent before he left the Province was Informed by several of the Inhabitants of the Northern part of the said Province in and about Edenton That they will not attend on Juries Summoned for the General Courts nor pay any Obedience to those Laws now under your Lordships Consideration And this Deponent verily believes that things there will remain in the same confusion as when he left the aforesaid Province 'till his Majesties pleasure is known concerning the said Laws.

JNO RUTHERFORD

Sworn at ye Pub: Office in Chancery Lane ye 8th day of May 1750 before me

S BURROUGHS.

Enoch Hall Chief Justice of the Province of North Carolina at present in London Maketh Oath and saith that in pursuance of an Act of Assembly passed at Wilmington for the better Regulation of the Courts of Justice and for appointing Circuit Courts for the case of the subject this Deponent by virtue of Commissioners under the Seal of the Province attended at Edenton at the October and April Assizes where the Sheriffs of the Counties of Currituck Pasquotank Pequimans Chowan Bertie and Tyrrell Returned Jurors to attend to Transact business at the said

Assizes but in calling their names over only three or four appeared either on the Grand Jury or Petite Jury, and this Deponent was Informed and verily believes the same to be true That the same was Occasioned by the Instigation of the Petitioners against the Act for Establishing a more equal representation of all his Majestys Subjects in the houses of Burgesses for the said Province And this Deponent has been Informed and verily believes the same to be true that the Inhabitants of the said six Counties refuse to pay all or the greatest part of their Taxes for the support of the Government of the said province and this Deponent also verily believes that affairs will continue in such confusion till his Majestys pleasure shall be known concerning the said Law now under your Lordship's Consideration. ENOCH HALL.

Sworn at the Pub: Office in Chancery Lane y^e^ 8^th^ day of May 1750 before me J BURROUGHS

MAY IT PLEASE YOUR LORDSHIPS [OF THE BOARD OF TRADE]

In pursuance of your Lordships desire signified to us by Mr. Hill in his Letters of the 30^th^ of April and 11^th^ of May last referring [to] two Acts passed in his Majesty's Province of North Carolina in 1746. Viz^t^

"An Act for the better ascertaining the number of Members to be "chosen for the several Counties within this Province to sit in General "Assembly and for establishing a more equal Representative of all his "Majesty's Subjects in the House of Burgesses,"

"An Act to fix a Place for the seat of Government and for keeping "Publick Offices For appointing Circuit Courts and defraying the ex- "pence thereof and also for establishing the Courts of Justice and regu- "lating the Proceedings therein" for our opinion whether the said Acts are proper to be confirmed by his Majesty, and transmitting several Papers relative thereto (all which are herewith returned) we have taken the same into consideration and have heard Council for and against the said "Act for the better ascertaining the Number of Members to be "chosen for the several Counties within this Province to sit in General "Assembly and for establishing a more general Representative of all "his Majesty's subjects in the House of Burgesses." Athō the Governour of North Carolina may certainly Prorogue the Assembly to meet at such place and time as he shall see proper; and altho' it has not been made out sufficiently to our satisfaction that the presence of a Majority of the whole Assembly is absolutely necessary to the doing any business as alledged by the Petitioners against the said last mentioned Act. Yet these two Acts appear to have passed by Managem^t^ Precipitation and Surprize when very few Members were present and are of such nature

and Tendency and have such effect and Operation that the Governour by his Instructions ought not to have assented to them, tho' they had passed deliberately in a full Assembly, and we are of opinion that they are not proper to be confirmed.

All which is humbly submitted to your Lordships

D. RYDER.

1st Decr 1750. W. MURRAY.

The Memorial of the Agent of the Province of North Carolina [to the Board of Trade] Humbly sheweth

That he has within these few days received a letter from the Governour of that Province dated last Novbr 17th wherein he expresses himself in these words (viz)

I have nothing more to trouble you with only to tell you how uneasy every body here is to have an account of the Determination of that tedious affair of the five Members which has now for four years compleat kept this Poor unhappy Province in inexpressible confusion; If it is not soon to be decided I dont see how we can long keep up the face of Government.

This being the situation of that Government, your Memorialist therefore moves your Lordships will be pleased to take this matter into consideration and do therein as your Lordships shall think most condusive for his Majesty's Interest and the Peace and Tranquility of the Inhabitants of that Province and your Memorialist shall &c:

JA: ABERCROMBY Agent for North Carolina.

To the Right Honourable the Lords Commissioners for Trade and Plantation.

The humble Petition of James Abercrombie Agent for His Majesty's Province of North Carolina Sheweth

That your Lordships on the thirtieth Day of April last were pleased to referr to his Majesty's Attorney and Solicitor General Two Acts passed in the said Province of North Carolina in 1746. The one of which is entituled "An Act for the better ascertaining the number of the Members to be chosen for the several Counties within this province to sit in General Assembly and for establishing a more equal Representative of all his Majesty's Subjects in the House of Burgesses."

That the Attorney and Solicitor General by their Report to your Lordships dated the first day of December last certifyed that they were of Opinion the said Acts were not proper to be confirmed for the reasons in the said Report mentioned.

That your Petitioner humbly conceives the said Report ought to have been in favour of the above mentioned Act.

Your Petitioner therefore humbly prays that he may be heard before your Lordships by his Council against the said Report and in support of the above mentioned Act before your Lordships come to any resolution with respect thereto. And your Petitioner shall every pray &c:

[B. P. R. O. B. T. JOURNALS. VOL. 59.]

BOARD OF TRADE JOURNALS.

At a Meeting of His Majesty's Commiss[rs] for Trade & Plantations
Present
Earl of Halifax
Mr. Grenville Mr. Fane
Mr. Townshend

Friday January 11[th] 175$\frac{0}{1}$.

The Secretary laid before the Board the following paper received from Mr. Abercromby Agent for the Province of North Carolina, viz:

Paragraph of Gov. Johnston's letter about the Spanish ships cast away in North America 18 Aug. 1750.

Wednesday February 6[th] 175$\frac{0}{1}$.

Read a Memorial of James Abercromby Esq Agent for North Carolina to the Board dated Jan[ry] 22[d] 175$\frac{0}{1}$ praying their Lordships to take into consideration the Act passed in that Province for the better ascertaining the number of Members to be chosen for several Counties &c.

Ordered that the Secretary do give notice to Mr. Abercromby and to Mr. John Sharpe Solicitor to Mr. M[c]Culloh to attend the Board on Friday next at 11 o'clock.

Friday. February 8[th] 175$\frac{0}{1}$.

Mr. Abercromby Agent for the Province of North Carolina and Mr. Sharpe Solicitor for Mr. M[c]Culloh attending as desired their Lordships appointed Thursday next for taking into consideration the petition of the inhabitants of the five Northern Countys against the Act for ascertaining the number of Assemblymen.

Thursday. February 14[th] 175$\frac{0}{1}$

Mr. M[c]Culloh Agent for the inhabitants of the five Northern Countys attending with Mr. John Sharpe his Solicitor and Mr. Abercromby

Agent in behalf of the Governor attending likewise with Mr. Joshua Sharpe his Solicitor as desired from the reference of the Lords of the Committee of Council upon the Petition of the said inhabitants of the Northern Countys complaining of the proceedings of the said Governor in passing a Law for ascertaining the number of the Assembly. Mr. Abercromby moved their Lordships that he might be at liberty to be heard by Council in answer to the said petition Whereupon their Lordships appointed Wednesday next for the further consideration of this affair and both Partys were desired to attend at ten o'clock.

Monday. February 18th 175$\frac{9}{1}$.

Mr. Abercromby Agent for the Governor of North Carolina attending acquainted their Lordships that he could not be prepared to be heard before their Lordships upon the petition of the inhabitants of the five Northern Countys on the day appointed by their Lordships Whereupon their Lordships fixed Fryday next for taking that affair into consideration.

Friday February 22nd 175$\frac{9}{1}$.

Earl of Halifax

Mr. Grenville.	Lord Dupplin
Mr. Fane.	Mr. Townshend.

Mr. Abercromby Agent for Govr Johnston attending as desired with Mr. Joshua Sharpe his Solicitor and Mr. Hume Campbell his Council as also Mr. McCulloh agent for the inhabitants of the five Northern Countys in North Carolina with Mr. John Sharpe his Solicitor on the subject of the Petition of the said inhabitants of the five Northern Countys relative to the Act for ascertaining the number of the Assembly. Mr. Hume Campbell acquainted their Lordships that altho' every person had a right to make out his plea in the best manner he could, yet decency and a regard to his profession would not allow him to plead in this case when the other Party appeared only by his Solicitor Whereupon Mr. McCulloh acquainted their Lordships that he would apply to Mr. Joddrell who had been his Council upon this affair before the Attorney & Solicitor Genl to appear at their Lordships Board in his behalf.

Their Lordships then recommended to them to agree upon a further day for hearing this and give them notice thereof.

Wednesday. March 13th 175$\frac{9}{1}$.

Read a petition of Mr. Abercromby Agent for North Carolina to the Board praying to be heard against the Attorney & Solicitor General's Report on the Act passed in North Carolina in 1746 for the better ascertaining the number of members to be chosen for the several Counties &c.

The Secretary at the same time acquainted their Lordships that he was desired by Mr. Abercromby to inform them that Wednesday next was agreed upon by both parties to be heard upon the petition of the Northern Countys Whereupon their Lordships ordered him to write to them to desire their attendance at ten o'clock.

Friday. March 15th 175$\frac{0}{1}$.

Read a Memorial of Mr. M^{c}Culloh relating to his complaints against Mr. Johnston Governor of North Carolina.

The Secretary laid before the Board a Bundle of papers delivered in by Mr. M^{c}Culloh relative to his said Complaint and in support thereof

The Secretary also laid before the Board a Book entitled: The handwriting & usual seals of the Lord Advocate & other Bishops & Pastors of the Unitas Fratrum for the use of the Rt. Hon^{ble} the Lords Com^{rs} for Trade and Plantations pursuant to an act passed in the 22^{d} year of his present Majesty.

Wednesday. March 20th 175$\frac{0}{1}$.

Mr. Abercromby with his Council Mr. Hume Campbell and his Solicitor Mr. Joshua Sharpe in support of the Act for ascertaining the number of Members to be chosen in North Carolina and Mr. M^{c}Culloh with his Council Mr. Joddrell and his Solicitor Mr. John Sharpe in support of the petition against the said Act attending as desired by the Minutes of the 13th inst. the following papers were read Viz:

Order in Council dated 15th Jan^{ry} 1747 referring the petition of certain persons inhabitants of several precincts and Counties in North Carolina against the above mentioned Act.

The Petition annexed thereto.

Mr. Attorney and Solicitor General's Report dated the 1st Dec. 1750 upon two Acts passed in the Province of North Carolina in 176 [1746] referred to them in April and May last.

The Petition of the Agent of North Carolina praying to be heard against the said Report—read the 13th inst.

Mr. Hume Campbell then observed to their Lordships that the Attorney & Sol^{r} General had in their said Report admitted that the Governor had a right to judge of the place of Meeting the Assembly and that a majority of that House is not necessary to make a quorum but had reported the Act to have been passed by management, precipitation & surprize few Members being then present and to be of such a nature & tendency as that the Governor ought not to have assented to it altho' it had been deliberately enacted by the Assembly. In answer to which objections he begged leave to state to their Lordships the manner in which it was passed and the nature & subject matter of it. That as to

the first the Act was passed at an Assembly held at Wilmington in Nov. 1746 in pursuance of a prorogation in the preceding June whereby the time & place had been fixed four months before. That no certain space of time is pretended to be necessary by the constitution of the Province for the Meeting of the Assembly and much less than four months is sufficient for the Meeting of the Parliament. That the Assembly being duly prorogued and the place of meeting declared it was not necessary to give special notice of any Act intended to be passed For which reasons he apprehended this Act could not properly be said to have been passed by surprize That as to management there was none on the side of the Governor but a great deal on the part of those Members of the Assembly who strove to engross power. That precipitation was not applicable to the time taken up in passing this Act it having been read twice in one day in either House altho' there is no rule or custom to the contrary as in this Kingdom but was brought in on the 21st of Nov^{r} and passed on the 25th That if it be objected that but fifteen Members were present at Wilmington and the Governor should have waited for more the Answers which are many are ready That the Attorney & Solicitor General should have given their opinion in point of law that fifteen Members were not a quorum and what number does constitute a quorum That if there were but fifteen the Governor was not in fault he had given proper notice by prorogation and had no compulsory power But the truth is he had no reason to expect a greater number the Petitioners having combined together to make a Secession which they would now make a reason against passing the Act That if this be allowed 'twill be a dangerous precedent to Assemblys in America That the true motive of the petitioners was a contest between some of the Assembly to invest themselves with independence and attain a power superior to that of the Crown. That these men had got a majority and being in a remote Northern Part of the Province insisted that a majority was necessary for the transaction of business and that nothing should be done unless they were present That he should make it appear by evidence that in June there was an attempt in the Lower House to defeat every measure of the Governor and that there being but fifteen Members present was but a consequence of that design That it might have been imprudent in the Governor to have passed this Act had there been hopes of more Members coming but when there were no such Hopes it would be dangerous to say no Act shall pass That fifteen is a larger proportion of 54, the number of the Assembly, than 40 is of 558 the number of the House of Commons and that Secessions have been made in England but no Act is thereby invalidated That the peti-

tion is framed to support that superiority over the Crown which the Assembly aim at and is meant to draw the Crown into an indirect acknowledgment that twenty six men of Albemarle County are superior to the Crown itself. That the two Points contained in the petition are the fixt indefeasible right of each district to send five Members and that a Majority of the Assembly is necessary to form a Quorum. That the Attorney & Sol^{r} Gen^{l} have reported against one of these propositions as not being made out to their satisfaction and have passed over the other in silence That he hoped their Lordships would not be insidiously drawn in to countenance a right which if it takes place will put an end to the subjection of this Colony to the Mother Country That if the Act is found to be prudent & expedient and that it was fitting to take any opportunity of passing it as a means to check an attempt to gain ascendance over the Governor that the Province has enjoyed tranquility and that eighteen good laws have been made since the passing it he was persuaded their Lord^{ps} would not countenance such attempts in Assemblies and throw the Colony back into confusion by disapproving this Act That there was nothing in the nature & tendency in this Act which raise an objection That the Lords Proprietors of Carolina who had power to make a Constitution did make none and if they had it must have varied as the Colony increased. That this Act establishes such a Constitution as it appears now reasonable to make and if the Petitioners would compare it with the former Constitution of Carolina they must define what that former Constitution was. That to make out such a one as will avail them they must prove it to have been a Constitution binding on the Crown itself and so fixt and certain as to be absolutely unalterable they must prove that by that Constitution the Governor has no power to prorogue that fifteen Members have not power to pass an Act or that if all had concurred they could not have altered the number of Representatives That if a Governor obtains an Act beneficial to His Maj. interest he might justly be blamed for not adhering strictly to his Instructions but such an Act ought not to be repealed That upon the whole if the Act should still appear to their Lord^{ps} to be liable to objections he was persuaded they would be cautious how they gave direct advice for the repeal of it that they would consider what directions were proper to be sent to the Gov^{r} previous to a declaration against the Act without which a Repeal of it must necessarily involve the Province in confusion.

The following papers were then read in evidence of the several facts stated as above by Mr. Hume Campbel, viz:

Act for ascertaining the number of Members to be chosen for North Carolina.

Minutes of Assembly in North Carolina in June & Nov^{r} 1746 relating to the progress of the Act through the Houses.

Mr. Lamb's Report dated 25th Sept. 1747 on the Act for ascertaining the number of Members.

Mr. Johnston's letter of March 9th 174$\frac{6}{7}$ to the Board on the said Act

Memorial of the Council to Gov^{r} Johnston entered in the Minutes of Assembly from 15th March 1742 to Feb^{ry} 1743.

The Biennial Law passed in 1715.

Report of the Board of Trade dated 21st April 1737 proposing the Repeal of the said Act.

Deposition of Thomas Lovick a Member & Collector for Beaufort setting forth that application had been made to him not to attend but to keep out of the way that no business might be done

D^{o} of George Johnson Bricklayer who heard a consultation amongst certain Members not to attend Session of Assembly.

D^{o} of Benjamin Fordham Messenger of the Assembly held at Newbern who heard certain of the Members agree not to go to the Assembly by which there would not be a House.

D^{o} of Nicholas Routledge late of Newbern Victualler heard Northern Members talk that if the Assembly was to meet at Wilmington they would not go for nothing could be done without them.

D^{o} of John Berry sweareth that two Members declared to the same effect at a public House kept by him.

Bridget Arthur whose Husband kept a public House to same effect Members would not go because they knew nothing could be done without them.

It being late the parties were desired to attend on Tuesday morning next when their Lord^{ps} will hear what Mr. Joddrell has to offer in support of the petition

Monday March 25th 1751.

The Secretary acquainted the Board that Mr. M^{c}Culloh attending without had desired him to inform their Lordships that Mr. Joddrell could not possibly attend tomorrow but that he and Mr. Hume Campbell would attend on Friday next if convenient to the Board and their Lordships were pleased to appoint Friday accordingly.

Friday March 29th 1751.

Present

Earl of Halifax

Mr. Grenville Lord Dupplin

Mr. Fane.

The Parties attending pursuant to the Minutes of Monday last Mr. Joddrell Counsel for the Petitioners against the Act for ascertaining the

number of members to be chosen in North Carolina observed to their Lordships That by the Charter granted by King Charles 2nd to the Lords Proprietors of Carolina power was given them to make and publish any Laws whatsoever either appertaining to the public estate of the Province or to the private utility of particular persons with the advice and approbation of the freemen or the greatest part of them or their Delegates That on the 30th Nov. 1693 the Lords Propr[s] empowered their Governor Thomas Smith Esq. in case he should find it impracticable for the inhabitants of Albemarle County to send Delegates to the Assembly of South Carolina to issue Writs for electing seven Members for each of the Counties of Berkeley and Colleton and six for Craven County and also to appoint a Deputy Governor of North Carolina That in consequence of this Instruction the Carolinas became distinct Provinces & had distinct Assemblies That John Archdale Esq. who succeeded Mr. Smith was on the 31st August 1694 appointed Governor of both the Carolinas with power to appoint a Deputy Governor of either Province and with the advice and consent of the Council & General Assembly to alter former Laws and enact new ones as should seem most expedient provided they were not repugnant to the Charter but as near as possible agreeable to the Fundamental Constitutions That Mr. Archdale on the 9th Dec. 1696 held a General Palatin Court at Edenton which was the seat of Government That this Court directed Writs to be issued for electing five Members for each of the four Precincts of Albemarle County. That by these Orders the Assembly received its original form and that the number five for each Precinct thus established was not arbitrary but the privilege those Precincts enjoyed before [under] the Charter of King Chas. 2nd That at this Court the rest of North Carolina lying on Pimlico River was erected into a County by the name of Bath County and being a new one was empowered to elect only two Members That out of the four Precincts of Albemarle County two others have been made by the names of Bertie & Tyrrell each of which had power to choose five Members. That these again have been subdivided Northampton having been taken out of Bertie and Edgecumbe out of Tyrrell the two new Counties being empowered to elect two each and the two old ones to elect each three Members. That Bath having been subdivided into eleven Counties each of which sends two Members (besides which the Towns of Edenton Bath Newbern & Wilmington send one each) now returns twenty six Members instead of two the number established by the Palatine Court That before the passing of this Act there was never any doubt about the Constitution or number of Members to be elected the Writs having been constantly issued in conformity with the facts above stated That if the

Petitioners insist that a Majority of the Assembly is necessary to constitute a quorum the Governor's Proclamations have authorized that opinion he having frequently adjourned the Assembly when there was not a majority of the whole and even when a majority of the Burgesses were present, adjournments had often been made for want of a majority of the Council. That from the Original Constitution to 1736 the Writs have directed each of the Precincts to choose five Members, that altho' the form of the Writ was altered in 1736 and has since only directed in general terms that Representatives should be chosen the number of members has remained the same till this Act was passed. That Governor Johnston has frequently dismissed the House when twenty two Members were present tho' fifty two is the whole number That this Act was attempted at a time when it was impossible for the Northern Members to attend, Wilmington being 200 miles distant from the seat of Government in the southern extremity of the Province there being many Ferries seven miles in breadth to pass and the Season being not only the most inclement but the most disadvantageous as tis the time when they kill their beef and pork That this Assembly at Wilmington was the latest that ever was held that the Governor's right to prorogue to what time & place he pleases must be allowed but that this was a great abuse of power That the two laws in question which are very expensive were the only ones he offered at that Session. That there was neither a majority of the Assembly upon the old Constitution nor even upon the new model That he insisted they were passed by managem^{t} and surprize as set forth by Mr. Attorney and Solicitor General as people could not expect that such business could be done at such time and place and that they were also precipitately passed as five days cant be called a reasonable time for passing laws and as these are so long they cant be drawn & copied in that time That the Governor had no power to pass such a law he being enjoined by his Instructions to call Assemblies agreeable to laws & usages of the Province and to pass Laws with a majority of the Council & Assembly & forbid to pass Laws of an unusual or extraordinary nature or to repeal Acts in general terms without a suspending clause That this Assembly had no power to pass this Law because the original right founded in the Palatine Court cannot be set aside by any power acting under that Constitution nor had this Assembly power to pass any Act because it is the rule of law that when a charter is given to a fixed number of persons a majority of them is necessary to constitute a legal Assembly That even if they had such a power this Act is illegal That Franchises once given cannot be resumed but upon forfeiture the Assembly therefore acting under the

authority of the charter could not legally take away the Franchise of sending five Members from those Counties to which the charter gave the Franchise That as to the Act itself it is absurd & founded upon absolute falsehoods That there is a clause in it which repeals all Acts or Customs whereby the rights which this Act takes away are established altho' the preamble asserts that there is no such law nor usage That no evidence has been given that this Act is either proper or reasonable That the tendency & operation of it are to throw people into confusion and its effect to destroy the privileges of the Constitution That there is no partiality in the Petitioners They did not secede but could not attend That the evidence of their Secession is false and every part of the petition and of the Report of the Attorney and Solicitor General is justified.

The following Papers were then read in evidence, Viz:

A clause in the charter granted by King Charles the 2nd to the Lords Proprietors of Carolina relating to the passing of Laws.

Additional Instruction from the Lords Proprietors to Govr Smith dated 30th November 1690

Instruction given by the Lords Proprietors to John Archdale Esq. Govr of Carolina dated 31st Aug. 1694

Act for erecting the upper part of Bertie County into a County by the name of Northampton County passed in 1741.

An Act to appoint part of Albemarle County to be a Precinct by the name of Tyrrel Precinct passed by the Lords Proprietors

Order of Lords Proprietors in 1705 for dividing the County of Bath into three Precincts.

Proclamation by Govr Johnston dated 8 March 1742 for proroguing the Assembly for want of a sufficient number of the Council.

Another dº dated 9th March 1742.

Another dº dated 11th June 1746 for proroguing the Assembly for want of a majority being assembled.

Deposition of Francis Foster dated at Edenton 14th April 1749.

Dº of John Wynns dated at Edenton 13th April 1749.

Dº of Luke Sumner dated at Edenton 15th April 1749.

Dº of Abraham Blackhall dated at Edenton 13th April 1749.

Dº of William Herritage dated at Newburn 5th April 1749.

Dº of Richard Loveit dated at Newburn 5 April 1749.

Dº of James Craven dated at Edenton 12 April 1749.

List of the Members present at the Assembly held at Wilmington on the 21st November 1746.

Deposition of Joseph Blunt dated at Edenton 19 May 1749.

Dº of Benjamin Hill of the same date

Dº of John Benbury of 20 May 1749.

Part of the Commission given to Gabriel Johnston Esq. dated
And the 15th 20th 22nd & 24th Articles of his Instructions

Mr. Hume Campbell in reply to what had been offered by Mr. Joddrell observed to their Lordships that the matter to be considered seemed reducible to three heads 1st the right of sending Members as claimed by the Petitioners or in other words the existence of the Constitution they contend for 2nd The necessity of a majority to constitute a quorum of the Assembly 3rd The expedience & propriety of the Act That as to the first the power given by the charter to the Lords Proprietors could not be delegated to other men nor is any Law valid under the charter unless it be under the Hands and seals of the Lords Proprietors. That the number of members to be chosen as settled in the instruction to Mr. Smith could not be intended for a fixed rule but was only a temporary Order proportioned to the then present state of the Colony. That the instruction to Mr. Archdale is not a legal delegation of the powers contained in the Charter and the Charter itself contains no power to pass Acts under the seal of the Province That the Palatine Court could have no authority to make Laws because the Lords Proprietors could not delegate that authority That notwithstanding the order of that Court for the election of five Members the Lords Proprietors might have passed a Law that those Counties should send only two Members to the next General Assembly That as to usage of sending five Members as mentioned upon the Writs if none of the Acts under which it began were legal the usage must be void 2ndly That as to the necessity of a majority of the Assembly to constitute a quorum the foundation of it should be found in the Charter but no number of Delegates is there mentioned. That altho' all records have been ransacked not the least colour has been made out for the Constitution or pretended right 3rdly That as to the objections to the Act the Instructions to the Governor have not indeed been punctually obeyed but as they were not intended to hinder him from doing a beneficial thing for his Master this should be no objection That as the pretended Constitution is without law the recital is not false and if the Constitution does not exist the Assembly had power to pass it. That if with regard to the Instructions it should be thought improper to confirm this Act he hoped their Lordships would give such directions as may put an end to this arrogated right this pretended Constitution.

Thursday. May 9th 1751.

Mr. Abercromby and Mr. M°Culloh attending Mr. M°Culloh moved the Board for a copy of Governor Johnston's Answer to his Complaint against him which was agreed to by the Board and ordered to be deliv-

ered to him and it was recommended to him to prepare with all possible dispatch to be heard upon it.

Tuesday. June 4th 1751

Present

Mr. Pitt. Lord Dupplin. Mr. Townshend.

The Secretary having acquainted the Board that Mr. M°Culloh had given notice of his being ready to be heard in support of his Complaints against Mr. Johnston Governor of North Carolina whenever their Lordships should appoint a Day for that purpose their Lordships agreed upon Wednesday sen'night the 12th inst. for taking this affair into consideration and ordered the Secretary to desire the attendance of Mr. M°Culloh and also of Mr. Abercromby Agent for the Governor on that day.

Wednesday. June 12th 1751.

Mr. M°Culloh and Mr. Abercromby attending as appointed by the Minutes of the 4th inst. were called in and the following papers were read

Memorial of Mr. Henry M°Culloh to the Lords Commiss^rs for Trade and Plantations complaining of several Hardships and injustices done to him by the Governor and other Officers of the Province of North Carolina

Letter from the Secretary to the Gov^r of North Carolina dated 14th July 1749 inclosing a copy of the above-mentioned Memorial and containing their Lordships Orders concerning the method to be observed in taking & interchanging Proofs and Depositions.

The Answer of Gabriel Johnston Esq. Governor of North Carolina to Mr. M°Culloh's said Memorial of Complaint

Mr. M°Culloh then desired leave to read a paper entitled Mr. M°Culloh's reply to the Answer given by Governor Johnston to the several Articles of Complaint contained in Mr. M°Culloh's Memorial which when read he presented to the Board.

The Parties were desired to withdraw and to attend again on Friday morn^g next the 14th inst.

Friday. June 14th 1751.

Mr. M°Culloh and Mr. Abercromby attending as desired by the Minutes of Wednesday last their Lordships proceeded to hear what Mr. M°Culloh had to offer in support of his complaint against Gov. Johnston and the following papers being part of the bundle of Proofs & Depositions taken in North Carolina by Mr. M°Culloh's Agents pursuant to the Board's Orders transmitted under the Hand of the Governor and seal of the Province and lodged in this Office by Mr. M°Culloh were read:

The interrogatories and Depositions of John Wynn of Bertie County of Nathaniel Cooper Deputy Secretary of John Campbell of Bertie County Merchant of Alex. M°Culloh Deputy Auditor of the Rev. Mr. James Moir and of Nathaniel Rice Secretary of North Carolina

Mr. M°Culloh then produced three patents for land that had been signed blank by the Governor and filled up afterwards And the following papers were read, Viz: The Act to ascertain officers fees passed in North Carolina in 1715 or 1716. Declaration of Mr. Nathaniel Rice showing that the Minutes of Council relating to Mr. M°Culloh's Memorial were not truly entered

Mr. M°Culloh's Commission Interrogatories and Deposition of Dr. Houston being part of the abovementioned Bundle under the seal of the Province.

Mr. M°Culloh being asked what Proof he could produce of the Governor having granted Injunctions in the manner set forth in his Memorial of Complaint answered that as his agents had not been able to obtain the Governor's summons for the appearance of any one evidence, he had no proof of that fact to produce but referred to that part of the Governor's answer relating to this matter which was accordingly read.

Ordered that Mr. M°Culloh do produce such letters from his Agents in North Carolina as may prove they could not obtain the Governor's summons for evidences in the Memorialist's behalf

Mr. M°Culloh further observed to their Lordships that the Minutes of Council of those times in which these affairs were transacted (which would have been of great service to him on this occasion) had not been transmitted to this office which he conceived to have been purposely omitted.

It being late the Parties were ordered to attend again next Tuesday morning at eleven o'clock when their Lordships will hear the proofs of that part of Mr. M°Culloh's Memorial which relates to the obstructions he met with in the execution of his Commission and the abuses in the management of the Quit Rents and Grants of Land.

Ordered that Mr. Pownall do wait on the Right Hon. Horatio Walpole and desire the favour of his attendance at the Board on Tuesday next.

Tuesday. June 18. 1751.

Mr. Pownall acquainted their Lordships that pursuant to their directions he had waited upon Mr. Walpole to desire his attendance at the Board this day upon the subject of Mr. McCulloh's Complaint against Mr. Johnston Governor of North Carolina relating to the obstructions he has met with in the execution of his office and that Mr. Walpole had de-

sired that this affair might be postponed until tomorrow thereupon their Lordships agreed that the further consideration of this affair should be put off till tomorrow.

Wednesday June 19th 1751.

The Right Honble Horatio Walpole Esq. attending their Lordships took into consideration the Memorial of Mr. McCulloh complaining of Mr. Johnston and after some time spent therein agreed further to consider of this affair at another opportunity.

Thursday June 27th 1751.

Mr. McCulloh and Mr. Abercromby attending upon the Complaints of Mr. McCulloh against Mr. Johnston Governor of North Carolina Mr. McCulloh in obedience to their Lordships Directions laid before the Board a letter from Benjamin Hill his Agent in North Carolina dated 23rd July 1750 in order to show that he could not obtain the Governor's summons for evidence in his behalf which letter having been read and authenticated by the declaration of a person who affirmed the same to be the handwriting of Benjamin Hill both parties requested their Lordships that the further consideration of this affair might be postponed for a further time which was acquiesced in by their Lordships and the further consideration thereof was accordingly put off till another opportunity.

Friday. August 2nd 1751.

Read a letter from Mr. Johnston, Govr of North Carolina dated 15th February 175$\frac{0}{1}$, in answer to one from Mr. Hill dated 19 July 1750 for an account of the Boundaries of that Province and transmitting

A Plan of the line between Virginia and North Carolina from Peters' Creek to Steep Rock Creek run in the year 1749.

[From the MSS. Records of North Carolina Council Journals.]

COUNCIL JOURNALS.

At a Council held at the Council Chamber in New Bern the 26th day of March 1751

Present his Excellv the Governour

The Honble { Nath Rice, James Hasell, James Innes } Esqrs Members of his Majestys Council

The following persons on motion to the Board were admitted to prove their own and others Rights

James Buck 9 whites 12 Blacks in Beaufort, William Dunbar 12 whites 12 Blacks in Beaufort, Robert M^{c}Kee 3 whites 2 Blacks in Duplin, James Dickson 3 whites Duplin, Samuel Davis 9 whites 1 Black Anson, Richard James 1 white 1 Black Duplin, Cason Brinson Junior 5 whites Craven, Joseph Williams by Fra^{s} Brice 6 whites 2 Blacks Duplin, William Taylor by Isaac Buck 6 whites 1 Black Beaufort, Richard Wallis by John Starkey 5 whites 6 Blacks Onslow, John Gillet by John Starkey 3 whites 3 Blacks Carteret, Thomas Evans 6 whites Craven.

Read sundry petitions for warrants for Land Viz^{t}

Joseph Williams for 640 acres in Duplin, William Thomas for 100 acres in Duplin, Benjamin Griffen for 50 acres in Craven, Robert M^{c}Kee for 1000 acres in Duplin, Joshua Roe for 200 acres in Beaufort, Francis Brice & Jno Evans for 300 acres in N Han^{r}, Benjamin Blackburn for 100 in Duplin, Newman Dunn for 100 in Craven, Jno Gatling Junior for 200 acres Craven, John Gatling Junior for 200 acres in Craven, Granted

At a Council held at the Council Chamber in New Bern the 27th Day of March 1751

Present his Ex^{cy} the Governour

The Hon^{ble} { Nath Rice, James Hasell, James Innes } Esq^{rs} Members of Council

Read the following Petitions for Warrants of Land Viz^{t}

Richard James's for 150 acres in N Han^{r}, George Kernegee 100 acres in Craven, Joseph Blake for 640 acres in N Han^{r}, Joseph Blake for 250 acres in N Han^{r}, James Armstrong for 300 acres in Anson, James Armstrong for 300 acres in Anson, Samuel Cubum for 100 acres in Anson, John Devis for 100 acres in Craven, Thomas Dudley for 300 Onslow, John Gillet 250 Carteret, Richard Wallis 100 Onslow, John Staley 200 Onslow, John Starley 100 Onslow, Samuel Davis 200 Anson. Granted

William Ferry 100 Anson, Joseph Blake 360 New Han^{r}, Isaac Odam 300 Anson, Samuel Wilson 640 Anson, Samuel Wilson 400 Anson, Jn^{o} M^{c}Gee 300 Anson, Samuel Young 400 Anson, George Carthey 800 Anson, Henry Hendry 300 Anson, Samuel Moor 250 Anson, Samuel Wilson 600 Anson, William Dickey 600 Anson, William Dickey 1000 Anson, William Dickey 400 Anson, Preston Goforth 300 Anson, Samuel Swann 320 N Han^{r}, Benjamin Evans 300 N Han^{r}, William Taylor 100 Beaufort, Isaac Buck 600 Anson Granted

The following Persons, on Motion were Admitted to prove their own and others Rights.

David Morgan by Col° Innes 3 Blacks in N Han^r, Thomas Routledge 1 white N Han^r, Benjamin Martin by Thomas Bonner 1 White Hyde, Jn° Anderson by Henry Skibbons 4 Whites 2 Blacks N Han^r, Elizabeth Meredith by Henry Skibbon 3 Whites 1 Black N Han^r, Jn° Simpson ℔ Henry Skibbon 5 Whites N Han^r, William Oldfield ℔ Henry Skibbon 6 Whites Onslow, Johnston Griggers ℔ W^m Carruthers 7 Blacks Beauf^t, Richard Allen ℔ Jno Dickson 1 White Duplin, James Adair 5 Whites 8 Blacks Johnston.

Ordered that a Commission of the peace and Dedimus issue to Onslow County Constituting and appointing Samuel Johnston, John Starkey, James Toyles, John Howard, Edward Ward Senior, Lewis Jenkins, Thomas Jenkins, Benjamin Wheatley, Stephen Lee, John Spooner Eward Junior, Richard Wallace and Mathew Whitfield Esq^rs Justices of the peace for and within the same.

Ordered that Thomas Child Attorney General and Francis Corbin Esq^rs Agents of the Right Honourable John Earl Granville and the agents of the said Earl Granville for the time being be and they are hereby [appointed] justices of the peace in each and every County court within this Province and that the names of the said Thomas Child, and Francis Corbin Agents, as aforesaid, or the agents of the said Earl Granville for the time being be inserted in all Commissions of the peace to be issued for the future next and immediately after the names of the Members of his Majestys Council and the s^d Thomas Child and Francis Corbin being acquainted therewith appeared and took the several Oaths appointed by Law for the Qualification of Public Officers together with the Oath of a Justice and Subscribed the Test

At a Council held at the Council Chamber in New Bern the 28^th day of March 1751

Present his Ex^cy the Governour.

The Hon^ble { James Hasell / James Innes } Esq^rs Members of Council

Read the following Petitions for Warrants for Land Viz^t

Benjamin W Carlins for 150 acres in Hyde, Henry Potts for 600 acres in Anson, Edward Salter 200 Beauf^t, James Bonner 200 Beauf^t, John Courtney 150 Onslow, William and Thomas Routledge 250 N Han^r, Sam^l Wilkins 1000 Anson, Thomas Potts 150 Anson, John Learge 300 Anson, John Clark 600 Anson, John & Thomas Battey 800 Anson, James Roberson 400 Anson, Joseph Samzell 600 Anson, Solomon Rew 100 Craven, Alexander Samzel 600 Anson. Granted

Joseph Clark 640 Anson, John Read 400 Anson, William Shirril 200 Anson, Joseph White 200 Anson, William Rickle 100 Anson, Andrew

Ellison 640 Anson, Andrew Ellison 640 Anson, Andrew Ellison 640 Anson, John Barr 640 Anson, Jno Barr 640 Anson, George Davidson 640 Anson, Thomas Davidson 640 Anson, Johnston Greggers 150 Beaufᵗ, William Ramsey 100 Cartᵗ, James Roberts 300 Onslow, James Roberts 2000 Onslow, James Roberts 800 Onslow, James Roberts 1000 Onslow, James Roberts 500 Onslow, James Roberts 1000 Onslow, James Roberts 1000 Onslow, James Roberts 2000 Onslow, James Roberts 2000 Onslow, James Roberts 250 N Hanʳ Granted

Read sundry Petitions for Grants for patents Vizᵗ

James Mackilweans for 640 acres in Anson, Daniel Warlick for 1000 in Anson, Daniel Warlick 200 Anson, Peter Harphet 600 Anson, Robert Brevard 640 Anson, Daniel Warlick 1000 Anson, Thomas Trewan 300 Anson, John Allen 600 Anson, Math Cloves and John Cheyle 100 Anson, Daniel Warlick 260 Anson, Thomas Thompkins 200 Anson, Alexander Dobben 350 Anson, George Rennick 200 Anson, Peter Harphel 600 Anson, Henry Whitner 640 Anson, Henry Whitner 500 Anson, Jno Cowen 300 Anson, Ephraim Lysles 200 Anson, John McGee 216 Anson, Thomas Lovick 100 acres in Anson. Granted

His Excellency the Governour was pleased by and with the Advice and assent of his Majesty's Council to Order that a Dedimus issue to Bladen County directed to the Chairman and the rest of the Justices to Qualify Alexander Dickey Justice of the peace for and within the same

At a Council held at the Council Chamber in New Bern the 29th Day of March 1751

Present his Exᶜʸ the Governour

The Honᵇˡᵉ { Nath Rice, Ja Hasell, Ja Innes } Esqʳˢ Members of Council

Read sundry Petitions for Warrants for Land Vizᵗ

James Adair's for 400 acres in Johnston, George Rennick 350 Anson, William Faris 250 N Hanʳ, Thomas Johns 420 Duplin, Richard Miller 400 Duplin, John Simpson 200 Duplin. Granted

Jacob Wells for 100 acres Duplin, Benjamin Fuzzle 275 N Hanʳ, William Williams 640 Onslow, John Andrews & Elizabeth Merideth 640 Bladen, William Wickliffe 640 Craven, William Teague 100 N Hanʳ. Granted

Read the Petition of James Henry for a Warrant for One Hundred Acres of Land in Bladen County which being opposed by Mr. Murray is Ordered to Ly over till the next Council

Read the following Petitions for Grants for Patents Vizᵗ

Arthur Bryan for 150 acres in Johnston, John Williams 400 N Han^{r}, Thomas Smith 200 Craven, Lancelot Lovett 200 Carteret, Francis Mackilwean 600 Anson. Granted

Ordered that the Fee allowed to the Attorney General on Grants, and Patents, by a former order of Council be revived and that he do recieve the same for the future

At a Council held at the Council Chamber in New Bern the 30th March 1751

Present his Ex^{cy} the Governour

The Hon^{ble} { Nath. Rice, Math. Rowan, James Hasell, James Innes } Esq^{rs} Members of Council

Read Sundry Petitions for Warrants for Lands Viz^{t}

Samuel Griffis's for 100 acres in Craven, Samuel Slade 200 Craven, Willis Prescot 400 Carteret, William Beasley 200 Craven, Jn^{o} Ogesby 100 Cart^{t}, Paul Trapiere 640 Anson, Andrew Pressly 400 Anson, William Brown 200 Anson, William Brown 300 Anson, Thomas Underwood 400 Anderson, Thomas Underwood 300 Anson, Jn^{o} Hall 200 Anson, Townsend Robinson 300 Anson, Andrew Moorman 200 Anson, Joseph Hall for 150 Acres in Anson, Granted

Jno Moorman for 250 Acres in Anson, Evan Lewis 640 Acres in Anson, Rachel Lewis 400 Anson, Alexander Lewis 500 Anson, Alexander Lewis 300 acres in Anson, Granted.

Read the Petitions of William Larkins and James Rezeau for Land in Contest between the Parties Situate In New Hanover County Which being fully argued heard and Considered tis Ordered that a Warrant Issue to the said William Larkins for the Land in Question that is to say for three Hundred Acres on the North East branch of Long Creek joining Daniel Dunbibin.

Read the Petition of John Newman for a Warrant for Six hundred and forty acres of Land in Anson County on the South side of the Catawba River Delayed till better ascertained

Read the several Petitions of Thomas Evans and Cason Brinson for Land in contest between the parties Situate in Craven County On a full shewing of the arguments on both sides tis considered and Ordered that a Warrant issue to the Petitioner Evans for the premisses that is to say for four Hundred Acres joining James Sipsays and Carson Brinsons lines next Trent River

Read sundry Petitions for Grants for Patents Viz^{t}

John Crawfords for 640 Acres in Anson, William Barnett 600 Anson, George Nickolas 640 Bladen, John Vernon 150 Duplin, Major Croom 100 Johnston, David Smith 200 Bladen, William Forbes 577 Anson,

Alexander Clark 127 Bladen, Benjamin Williams 640 Beauf^{t}, —— Williams 200 Craven, Evan Lewis 615 Anson, John Crawford Alexander Lewis 640 Anson. Granted

David Lewis for 640 Acres in Anson, John Crawford 640 in Anson, James Hasell Esq^{r} 850 N Han^{r} Granted

Read the petition of Charles Hart for a Grant for Five hundred Acres of Land in Anson County which being opposed on Consideration of the Board is Rejected

Grigg Yarborough Deputy Surveyor exhibited in Council a return of an Order of Council granted to James Shackelford, for the resurveying of his own as well as a Tract of Arthur Mabson, and Swore to truth of said Returns.

At a Council held at the Council Chamber in New Bern the 1st day of April 1751

Present His Ex^{cy} the Governour.

The Hon^{ble} { Nath. Rice James Hasell } Esq^{rs} Members
{ Math. Rowan James Innes } of Council

Read the following Petitions for Warrants for Land Viz^{t}

William McGee's for 500 acres in Anson, David Steel 400 Anson, Arthur Daniley 100 Bladen, Thomas Brooks 300 Bladen, Hecter M^{c}Voal 100 Anson Daniel M^{c}Gee 100 Anson, James Simms 300 Anson, Jno M^{c}Gee 100 Anson, Samuel M^{c}Gaw 100 Anson, Nicholas Smith 100 Anson, Nicholas Smith 100 Anson, Mathew Rowan Esq^{r} 100 N Han^{r}, Jno Squire 100 Bladen, Jn^{o} Branton 100 Bladen, James Carver 150 Bladen. Granted

Read sundry Petitions for Grants for Patents Viz^{t}

Thomas Brooks's for 400 acres in Bladen, Charles Heard 100 acres in Bladen, Nicholas Smith 450 Bladen, Thomas Armstrong 160 Bladen, Robert Taylor 100 Craven, Robert Doway 400 Bladen, James Bladwin 200 Bladen, Bryan Cannon 200 Bladen, Mathew Kuykendale 300 Anson, Ja^{s} Kuykendale 600 Anson, William Pole 400 Anson. Granted.

Read the Petition of Robert Lepper for a Grant for 200 acres of Land in Anson County, which being objected to is Delayed till the next Council.

Then the Council adjourned till 3 OClock in the afternoon.

The Council met according to adjournment Present as before.

Read the following Petitions for Warrants for Land Viz^{t}

Andrew Bass's for 300 acres in Johnston, William Wilson 600 Anson, Charles M^{c}Dowall 200 Anson, James Fanman 400 Anson, Ranold McVaughton 200 Bladen, James Lewis 600 Anson, William Welch 400 Anson, James Fannon 400 Anson, Abington Hinrel 400 Anson, Robert

M^{c}Ferson 600 Anson, Daniel Feeters 600 Anson, Mary Moor 3000 Craven, William Ellot 100 Craven, Mary Moor 640 Craven. Granted.

Read the following Petitions for Grants for Patents Viz^{t}

Duncan M^{c}Caulky's for 200 acres in Bladen, Marck Morris 100 Craven, Nath Rice & Epraim Vernon 200 N Han^{r}, John White 100 N Han^{r}. Granted

His Excellency was pleased by and with the Advice and consent of his Majesty's Council to Order that a Commission of the peace and Dedimus issue to Anson County constituting and appointing Jamas M^{c}Kilwean Joseph White Charles Robinson Edmund Cartledge William Philips Samuel Davis, Thomas Smith James Carthey John Holmes Alexander Osborne, Walter Carooth John Brevard John Brandon and James Carter Esq^{rs} Justices of the Peace for and within the same

His Excell^{y} was likewise pleased by and with the Advice and Consent of his Majestys Council to order that a Commission of the peace and Dedimus issue to Bladen County constituting and appointing Hugh Blaning Griffith Jones Joseph Crark James Lyon William Bartram Samuel Baker Benjamin Fitzrandolph Ralf Miller John Brooks John Grange John White Timothy Terrel Henry Simmons William Pugh Jonathan Evans John Thomas Turnbull Thomas Hall Alexander Maybeen and James Dickey Esq^{rs} Justices of the Peace for and Within the same.

The Secretary represented to his Excellency and the Councill that great numbers of People who have petitioned for Land have never taken out Warrants for surveying the same in persuance of their Petitions and in Order to obtain a Title and that divers others who have taken out Warrants have Nevertheless neglected to have their Lands Admeasured and return thereof made into the Secretary's Office, And that others again who have obtained Grants in Consequence of Warrants Surveyed and returned have for many years neglected to take out Patents thereby Eluding the payments not only of the Fees due to the several Officers thereon but also of his Majestys Quit Rents

The Board taking the same into consideration it was Ordered that a List of all such Patents now remaining in the Office be made out and affixed at the Council Chamber and other proper places to give notice to the parties entitled to such Patents that unless they are taken out within Eight Months from this Date the Lands intended to be conveyed by Such Patents will be deemed vacant and free for any other person to take up and that a proclamation do issue accordingly.

It was further Ordered that all persons making Entry of Lands shall pay down the Fees of the Warrant at the time of making such Entry,

and if application be not made for a Grant of the said Land the first Court of Claims after the Expiration of the term limited for return of the said Warrant that the said Land shall be free for any other person to take up

And it was further Ordered that all Persons applying for a Patent shall pay down the Fees of such patents at the time of such application. And lastly it was ordered that all persons who shall obtain any Grants of Lands at all at the next ensuing Land Office take out a patent for the same otherwise the Lands shall for the future be deemed Vacant and free to be taken up by any other person who shall apply for the same.

At a Council held at the Council Chamber in New Bern the 2d day of April 1751

Present His Excy the Governour.

The Honbles { Nath Rice, James Hasell, Math Rowan, James Innes } Esqrs Members of Council

Read the following Petitions for Warrants for Land Vizt

John Lots for 200 acres in Duplin, John Conerly 640 Johnston, Thomas Long 640 Duplin, Thomas Perid 50 Jn°ston, Richard Caswell 50 Jn°ston, Luke Whitefield 100 Johnston, Samuel Ratcliffe Junr 200 Duplin Granted

John Stainland for 150 acres in Johnston, Stephen Blackman 400 Johnston, Job How 400 N Hanover, Job How 300 N Hanr, Job How 300 N Hanr, Job How 500 N Hanr, William Speight 300 Craven, John Heath for 100 acres in Craven, Samuel Baker 640 Bladen, Francis Blount 100 Craven, James Smith 240 Cartt, William Burney 200 Bladen, Joseph Fort 300 Bladen, Robert Dunn 300 Bladen, William Stevens 200 Bladen, Granted

Read sundry Petitions for Grants for Patents Vizt

Benjamin Cooper Senior 250 Craven, Abraham Powell for 300 acres in Johnston, John Connerly 300 Duplin, John Smith 140 Bladen, Thomas Cox 300 Craven, William Palmer 200 Johnston, Samuel Strickland for 200 acres in Johnston Granted

On motion to the Board the following Rights were admitted to be proved Vizt

Robert Dunn's by Cornr Fimms 3 Whites in Bladen James Smith 3 Whites in Craven

At a Council held at the Council Chamber in New Bern the 3d day of April 1751.

Present his Excy the Governour

The Honble { Nath Rice, James Hasell, Math Rowan, James Innes } Esqrs Members of Council

Read the following petitions for Warrants for Land Viz^{t}

William Blackburn for 400 acres in Duplin, Charles Gavin for 1000 acres in Duplin, Joshua Hill for 300 acres in Craven, William Dry 640 Bladen, James Rhoads 200 Johnston. Granted

By order JN^{o} RICE C C

At a Council begun and held at the Council Chamber in New Bern the 26th Day of September Anno Dom 1751

Present his Excellency the Governour

The Hon^{ble} { Mathew Rowan, James Hasell } Esq^{rs} Members of Council

It being certified to this Board that William Forbes Esq^{r} who has been disabled by sickness and old age for these two years past lay at the point of Death, and that Nathaniel Rice Esq^{r} was so bad with the Gout that it was impossible for him to attend the Assembly at this time His Excellency demanded the Opinion of the Board what was proper to be done in Order to carry on the business of the present session there being but four Members capable of attending It was the unanimous opinion that in consequence of his Majestys Royal Instruction the Council ought to be filled into the number seven.

Whereupon his Excellency the Governour was pleased by and with the advice and assent to nominate constitute and appoint, John Rutherford, Francis Corbin and John Swann Esq^{rs} Members of his Majestys Council for and within this Province who being acquainted therewith severally appeared and took and subscribed the several Oaths by Law appointed to be taken for the Qualification of Public Officers, together with the Oath of a Councillor, and their places at the Board accordingly

Present

{ John Rutherford, Fra^{s} Corbin, Jn^{o} Swann } Esq^{rs} Members of Council

Then the Council adjourned till 3 o'Clock in the afternoon.

The Council met pursuant to Adjournment

Present His Excell^{y} the Governour

The Hon^{ble} { Math Rowan, Ja Innes, Ja Murray, Jn^{o} Rutherford, Ja Hasell, Fra Corbin, Jn^{o} Swann } Esq^{rs} Members of Council

Read sundry Petitions for warrants for Land Viz^{t}

James Stringhams for 100 acres in Craven Bartholomew Bern 200 New Hanover, David Huston 600 Anson, John Andrews 320 N Hanover, John Nelon 50 Carteret, Willoughby Richards 100 Hyde, John

Stewart 200 Craven, William Spier 200 N Han^{r} Francis Mackilwean 600 Anson, William Price 400 Anson, Thomas Trewins 200 Anson Granted

Judeth Coburn for 400 acres of Land in Anson, William Watson 400 Anson, Charles Battey 800 Anson, James Wilson 600 Anson, Mathias Dick 400 Anson, Peter Boomgarner 200 Anson, George Rennick James Good Fellow 300 Anson, Alex^{r} M^{c}Cowan 150 Anson, Alex^{r} M^{c}Cowan 300 Anson, Sam^{l} Miller 300 Anson, Peter Arack 400 Anson, Robert Guthage 400 Anson, Blancy Mills 400 Anson, Conrad Peva 400 Anson, Gabriel Brown 200 Anson, Jn^{o} Armstrong 350 Anson, John Doghart 300 Anson, William Drew 300 Anson, Andrew Downs 300 Anson, Edward Griffins 400 Anson, Nath^{l} Alexander 600 Anson, David Huston 400 Anson, Robert Harris for 600 Acres in Anson. Granted

Andrew Nott 200 acres in Anson, William Knott 600 Anson, Robert Tenan 300 Anson, William Aday 600 Anson, Samuel Dunlaps 300 Anson, Rob^{t} Ramsey 300 Anson, John Locker 400 Anson, William Moore 300 Anson, Thomas M^{c}Honey 300 Anson, Robert Ramsey 400 Anson, William Moore 600 Anson, Thomas M^{c}Honey 600 Anson, John Hayward 300 Anson, William Love 600 Anson, William Love 800 Anson, William Love 600 Anson, William Whight 600 Anson, William Whight 600 Anson, William Whight 600 Anson, William Whight 600 Anson, Greggan Moore 600 Anson, Gregan Moore 600 Anson, Gregan Moore 600 Anson, Gregan Moore 600 Anson, Gregan Moore 600 Anson, Nath^{l} Alexander 600 Anson, David Templeton 600 Anson, Francis Allison 300 Anson. Granted

David Templeton 600 Anson, James Moore 400 Anson, William Robinson 400 Anson, Robert Ramsey 300 Anson, Thomas M^{c}Honey 300 Anson, William —— 400 Anson. Granted

Read sundry Petitions for Grants for Patents Viz^{t}

Richard James's for 200 Acres in New Hanover, Richard James's 200 Duplin, Richard James 200 Duplin, Samuel Wilson 600 Anson, John Brandon 585 Anson, Christopher Dawson 100 Craven, Amos Cuthrel 274 Craven, Lewis Trott 200 Carteret, Richard Curtis 150 Onslow, Robert Courtney 320 Onslow, James Allison 127 Beaufort, William Rogers 200 Craven, John Pair 207 Craven, Thomas Austin 236 Carteret. Granted

At a Council held at the Council Chamber in New Bern the 27th day of September 1751 P M

Present his Excell^{y} the Governour

The Hon^{ble} { Math Rowan, Jn^{o} Rutherford, Ja Murray, Fra Corbin, Ja Hasell, Jn^{o} Swann, Ja Innis } Esq^{rs} Members of Council

On motion to the Board the following persons were admitted to prove their own and others Rights Viz^{t}

John Bradley 10 Whites in Craven, Joseph Slade 1 White 1 Black Johnston, Michael King 5 Whites 5 Black Duplin, George Bell 9 White 3 Blacks Duplin, Fran^{s} Pugh by William Pugh 1 White 2 Blacks Bladen

Read the following Petitions for Warrants for Land Viz^{t}

James Carroway for 200 acres in Craven, Thomas Goulding 300 Cart^{s}, George Cogdale 300 Cart^{s}, Benjamin Adams 170 Duplin, W^{m} Pugh 200 Johnston, Francis Pugh 200 Duplin Granted

Isaac Odam for 200 Anson, James Pugh 100 Bladen, Jacob Pagett & W^{m} Brice 300 Jn^{o}ston, Daniel Melvin 100 Bladen, W^{m} Odam 300 Bladen, W^{m} Hall 300 Bladen, Rob^{t} Sweet 100 Anson, W^{m} Wilkinson 200 Anson, W^{m} Pugh 500 Bladen, Joseph Elkins 300 Bladen, Thomas Odam 100 Anson, Alexander Rounce 100 Duplin, Mich^{l} King 640 Duplin, Cornelius Taylor 100 Jn^{o}ston, Thomas Taylor 100 Jn^{o}ston, W^{m} Williamson 340 Jn^{o}ston, Tho^{s} Hogg Senior 250 Jn^{o}ston, William Bridger 200 Jn^{o}ston, Henry Jernegan 100 Blad^{n}, Isham Hatcher 150 Jn^{o}ston, David Reynolds 200 Jn^{o}ston, George Bell 640 Duplin, Allen Sloan 300 N Han^{r}, Arthur Johnston 100 Craven, Stephen Emery 300 Hyde. Granted

Joseph Lock 150 Bladen, Rob^{t} Hays 200 Duplin, Jn^{o} Franch 640 Craven, John Sloan 100 Bladen, Thomas Kennan 200 Duplin, John Goff 250 Duplin, John Perrit 400 Duplin, Thomas Corbett 300 Bladen, Jno James 300 N Han^{r} Maurice Moore Jun^{r} 170 N. Han^{r}, Abraham Bailey 100 Craven, Jno James 640 N Han^{r}, Jno James 250 N Han^{r}, Shandrack Allen 600 Craven. Granted

Read the following Petitions for Patents for Land Viz^{t}

Thomas Startimes for 200 acres in Craven, Henry Sumerland 100 Anson, John Williams 300 Beaufort, William Dickie 600 Anson, Charles & Thomas Battey 800 Anson, Thomas Rennels 600 Anson, George Cathey 800 Anson, James Robinson 400 Anson, Samuel Wilkins 1000 Anson, Henry Kendry 300 Anson, Thomas Rennels 300 Anson, Jno Large 300 Anson. Granted.

Upon the Complaint of Thomas Boyet setting forth that John West a Justice in the Commission of the peace for the County of Johnston had been guilty of sundry illegal Proceedings toward him in the Execution of his Office,

Mr. Samuel Swann appeared and informed the Board that the said John West was in Council and ready to answer to the Charge of the said Boyet who thereupon Being called and failed to appear to support the said Complaint, tis Ordered that the same be dismist

At a Council held at the Council Chamber in New Bern the 28th Day of September 1751 P M

Present his Excy the Governour

The Hon. { Math Rowan, Jno Rutherford, Ja Murray, Fra Corbin, Ja Hasell, Jno Swann, Ja Innis } Esqrs Members of Council

Read sundry Petitions for Warrants for Land Vizt

John Ashes for 1280 acres in N. Hanr, Saml —— 150 N. Hanr, Jeremiah Smith 100 Beauft, Adoniram Treadwell 400 Bladen, Jno Holley 300 Bladen, Jno Holley 100 Bladen, Moses Tyler 400 Duplin, Gregan Moor 800 Anson, John Holley 100 Duplin, Jno Rutherford 320 Bladen, Jno Rutherford 320 Bladen, Alexander Steel 200 Craven, Wm Keyes 300 Bladn, Thomas Devaughn 300 Bladn, Richd Helley 640 Duplin, Bryan Lee 100 Bladen, Wm McGee 350 Bladen. Granted.

Daniel Love 100 Duplin, Dugal McMillan 300 Bladen, William Dawson 300 Bladen, William 150 Bladen, Josh Waters 400 N Hanr, Jno Waters 150 N Hanr, Jno Waters 100 N Hanr, Barbara Clark 100 N Hanr, Frans Mackilwean 300 Anson, Frans Mackilwean 400 Anson, Barbara Clark 100 N Hanr, James Marris 500 N Hanr, Elias Ligardere and John Williams 1200 Craven, John Gatling Junr 150 Craven, Jno Williams 100 Craven, James Moor, 200 Duplin, Thomas Jones 300 N Hanr, Jabeth Weeks 100 Carteret, Agerton Willis 300 N Hanover, Wm Tryer 100 Duplin, James Denson 151 Onslow, George Nicholas 200 N Hanr, Thos Brown 300 Jnoston, Charles Harrison 640 N Hanr, Thomas Goulding 400 Cartt, Thomas Matchett 100 Carteret, Joseph Slade —— Johnston Granted

Joseph Slade 800 Craven, Jom Bradley & Jacob Bradley 640 Johnston, Micajah Rice 200 Johnston Granted

Read the following Petitions for patents for Land Vizt

James Odom Junior for 250 acres in Bladen, Samuel Baker 200 Bladen, Thomas Brooks 100 Bladen, Isaac Odom 640 Bladen, David Lewis 120 Craven, Elias Lagadere 1000 Anson, Jacob Miller 250 Craven, Granted

Read the Petition of John Rounce shewing that on the tenth Day of March 1736 he obtained the Kings Patent for One hundred and forty acres of Land situate in Craven County *as then called* but now Johnston, on the north side of Neuse River, Beginning at a red Oak a corner tree of Lazarus Turners Land and running down the Petitioners and that he has all along duely paid the Quit rents of the same, But the Petitioner being lately informed that the complement of Land comprized within the causes of his Patent is only 132 Acres he in order to fully satisfy him-

self therein humbly prays a resurvey thereon which is Granted and ordered that the Surveyor General do accordingly resurvey the same and make report of his doing to the next Council

Then the following Persons Rights were admitted to be proved Viz^{t}

Charles Gavins 3 whites 2 Blacks in Duplin, W^{m} Jacobs by Charles Gavin 20 Blacks in Duplin.

At a Council held in the Council Chamber in New Bern the 30 Day of September 1751 P. M.

Present His Excell^{y} the Governour

The Hon^{ble} { M Rowan, Jno Rutherford; Ja Murray, Fra Corbin; Ja Hasell, Jno Swann; Ja Innes } Esq^{rs} Members of Council

Read the following Petitions for Warrants for Land Viz^{t}

John Cooks for 200 Acres in Duplin, Esley Kilpatrick 400 Johnston, Dan^{l} Parine 100 Duplin, Francis Griggs for 100 acres Duplin, Samuel Green 100 Duplin, Thomas Wilcoxs 200 Onslow, Jno Wilcox 200 Cart^{t}, William Black 400 Onslow, W^{m} M^{c}Kee 100 Duplin, Benjamin Dumas 400 Anson, Benjamin Dumas 300 Anson, Benjamin Dumas 400 Anson, Alex^{r} Lavis 200 Anson, Benjamin Lavis 600 Anson, Reese Price 600 Anson, Reese Price 600 Anson, Granted

Joseph Clark 300 Bladen, Berringer Moor 100 Bladen, Jn^{o} Farvil Pointer 200 Bladen, Sam^{l} Lewis 100 N Hanover, Sam^{l} Johnston Esq^{r} 2000 Duplin, Solomon Huffham 200 Duplin, Jno Yarborough 200 Onslow, W^{m} Basham Whitford 200 Craven, Horatio Woodhouse 640 Onslow Granted

Then read sundry Petitions for patents for Land Viz^{t}

Jacob Wells for 100 acres in Duplin, James Fannon 400 Anson, George Charlton 200 Craven, William Wilkinson 200 Craven, Windal Blyther 200 Johnston, Jn^{o} Holland 200 New Hanover, W^{m} Spieght 300 Craven, Thomas Moor 200 N Han^{r}, Thomas Moor 70 N Han^{r}, Richard Millar 400 Duplin, Charles Gavin 500 Duplin, George Harnage 200 Duplin, John Smith 300 Duplin, W^{m} Stanley 625 Jn^{o}ston, Jno Herring 500 Duplin, James Fannon 400 Anson, Granted

Read the Petition of Peter Reel setting forth that his Father Peter Reel deceased on the thirteenth day of October 1736, obtained the Kings Patent for three hundred and fifty acres of Land situate in Craven County on the north side of Neuse and East side of Swifts Creek and the Petitioner conceiving there's more Land Contained within the courses & Distances of the said patent than the same specifies humbly prays a

resurvey thereon, which is Granted and Ordered that the Surveyor General do accordingly resurvey the same and make report of his Doings to the next Council.

At a Council held at the Council Chamber in New Bern the 1st Day of October 1751

Present His Excy the Governour

The Hon. { Math Rowan, Ja Innes, Ja Murray, Jno Rutherford, Ja Hasell, Jno Swann } Esqrs Members of Council

Read the following Petitions for Warrants for Land Vizt

Samuel Pope's for 150 acres in Craven, William Whitney 150 Craven, James Henry 100 Bladen, Timothy Allen 250 Hyde, William Carruthers 200 Beau., James Denson, Junr 200 Anson, Caleb Touchstone 200 Anson, Benjamin Vines 150 Anson, Jno Simmons 250 Anson, Wm Wilson 600 Anson, Jno Price 600 Anson, Robert McClenham 400 Anson, Robert Calwell 600 Anson, William Davis 300 Anson, Robert Davis 600 Anson, Andrew Mitchell 400 Anson, John Cathey 800 Anson, Granted

Jane M Wherton 400 in Anson, Thomas Roberson 800 in Anson, Henry White 800 Anson, William Roleston 600 Anson, Samuel Davis and James Carter 500 Anson, James Armour 600 Anson, Andrew Pickens 800 Anson, Jno Duggen 600 Anson, Wm King 300 Anson, Wm Dry 320 New Hanover, Francis Parker 500 Bladen, Wm Barham 150 Bladen, Matthew Small 350 Bladen, Silvanus Saul 100 Bladen, Jno Hill 250 Craven, George Salter 300 Anson, Jno McLane 200 Anson, Garrit Johnston 100 Craven, David Lindsay 640 Craven, Robert Mears 640 Duplin, Thomas Kennels 600 Anson, Jacob Johnston 300 Craven, John Dunn for 100 acres in Bladen. Granted

Thomas Kennels 600 Anson, Thomas Davis 100 Bladen, Samuel McVeney 600 Anson, Jno Linn 200 Anson, William Roberts 800 Bladen, Jno Mills Junr 640 Beauft, James Ellison 640 Beauft. Granted

Read sundry Petitions for Patents for Land as follows Vizt

George Brownes for 150 acres in Bladen, Robert McCappin 315 Anson, Edward Griffith 50 Craven, Jno Smith 66 New Hanr, Jno Murphy 100 Craven, Jno Vendrick 100 Craven, Lemuel Hatck 640 Craven, Jno Hall 200 Anson, Andrew Pressley 260 Anson, Charles McDowell 200 Anson, Daniel O Shoot 200 Anson, William Gibson 66 Onslow, Conrid Whitman 200 New Hanr, Griffith Jones 100 Bladen. Granted

Thomas Everton 200 Craven, Henry Gibbins 300 Craven, Jno Peters 300 Craven, Thomas Kinnion 50 N Hanr, Alexander McKiken 640 Bladen. Granted

His Excellency the Governour was pleased to acquaint the Board that he had received an Address from the lower House and demanded their Opinion and Advice therein which was read and is as follows Viz^{t}

MAY IT PLEASE YOUR Ex^{cy}

This House desires You'll be pleased to direct the Commissioners appointed by your Ex^{cy} to sell such goods as were saved and taken from the Spanish Wreck to lay before your Excellency an Account of the monies arising by such sales and the distribution thereof at the next Assembly and to pay one fourth of the Monies arising by the sale thereof to the Public Treasurer, that the said fourth part may be Applyed by your Ex^{cy} the Council and General Assembly Agreeable to your Ex^{cy} former Appointment By order SAM^{l} SWANN Speak^{r}

Oct 1st 1751

The Board informed his Excellency that as Mr. George Nickolas had entered Caveat or Protest against any proceedings to be had in Consequence of such his Excellency's Appointment they could not, as they concieved, regularly do anything in the affair without first hearing what the said Nicholas [had] to say in relation thereto. Whereupon it was Ordered that the Matter over till to morrow.

At a Council held at the Council Chamber in New Bern the 2^{d} Day of October 1751

Present his Ex^{cy} the Governour

The Hon. { Math Rowan, Ja Innes, Ja Murray, Jn^{o} Rutherford, Ja Hasell, Fra Corbin, Jn^{o} Swann } Esq^{rs} Members of Council

Read the following Petitions for Warrants for Land Viz^{t}

Cobb Howells for 300 acres in Anson, Joseph Hannis 300 Craven, Jn^{o} Gregory 200 Onslow, Benjamin Blackburn 100 Duplin, Sam^{l} Griffis 100 Craven, Benjamin Turner for 200 acres Onslow, Granted

Read sundry Petitions for Patents for Land Viz^{t}

William Teague's for 100 acres in Johnston, Adam Platt 200 Craven, Samuel Davis 200 Anson, James Armstrong 300 Anson, Sam^{l} Cubern 400 Anson, William Terry 100 Craven, Edmund Cartledge 400 Anson, Samuel Wilson 640 Anson, James Armstrong 300 Anson, Simon Herring 600 Duplin, William Rickle 100 Anson, Sam^{l} Wilson 400 Anson, Jno Clark 500 Anson, Jno Clark 200 Anson, James Crawford 100 Onslow, James Gillespie 1280 Anson, James Gillespie for 200 acres in Anson Granted

His Excellency was pleased by and with the advice & Assent of his Majestys Council to Order that a Commission of the peace & Dedemus issue to Perquimans County constituting and appointing the former persons Justices & adding thereto Jn° Clayton John Harvey Benjamin Harvey Abraham Ballard Benjamin Pervey Robert Reddick and Jacob Doctore.

At a Council held at the Council Chamber in New Bern the 5th Day of October 1751

Present his Ex^cy the Governour.

The Hon. { Math Rowan, Ja Innes, Ja Murray, Fran Corbin, Ja Hasell, Jn° Swann } Esq^rs Members of Council

Read the Petition of Richard Flanikin to this Board setting forth that William Payton, a Justice in the Commission of the peace for Beaufort County had acted towards him in a manner very illegal & inconsistent with the Duty of a Majistrate.

Then the petitioner produced William Dunbar, W^m Tripp, Jeremiah Smith and William Daco as Evidence to support his Allegation who being sworn and examined upon the subject thereof, and the said Peyton fully heard in his Defence, his Excell^y was pleased to demand the Advice of the Council therein who having duely weighed and Considered thereof were unanimously of Opinion that the matter complained of was clearly proved and that the said Peyton for behaving so unworthily in his Office ought to be suspended, Ordered that the said William Peyton be and he is hereby suspended from his power of acting as a Justice for the space of six months and that he pay and satisfy all cost and Charges of Evidences and otherwise accrewing on this Complaint before he be restored and that the chairman of the said Court be certified thereof

Read the following Petitions for Warrants for Land Viz^t

Mathew Rowan's for 350 acres in Bladen, Mathew Rowan 350 Bladen, Sam^l Davis & Jas Carter 800 Anson, William Alexander 500 Anson, Richard Denson 300 Anson, Sam^l Davis & James Carter 600 Anson Granted

Read sundry petitions for Grants for patents as follow Viz^t

Charles Gavins for 1000 acres in Duplin, Thomas Smith 120 Craven, W^m Dry 300 Anson, W^m Dry 400 Anson, W^m Dry 300 Anson, W^m Dry 300 Anson, Jacob Miller 250 Anson, Granted

Read the Petition of Thomas Norwood for a Grant for Forty five Acres of Land in Craven County which being opposed by Mr. Lovett,

in behalf of the Heirs of William Lister Deceased is ordered to lye over till to morrow.

At a Council Held at the Council Chamber in New Bern the 7th day of October 1751

Present his Excellᵞ the Governour

The Honble { Math Rowan, Ja Innes, Ja Murray, Jno Rutherford, Ja Hasell, Fra Corbin } Esqrs Members of Council

Read the Petition of Jacob Francks for a Grant for two hundred acres of Land lying in Craven County in consequence a Warrant surveyed and returned, Mr. Swann appeared in behalf of George Counce and opposed the granting of the said Petition, setting forth the said Land was included in a Deed passed by Martin Franck the Petitioners Father, in his life time to the said George Counce to whom therefore and in he having duly paid his Majesty's rents for these Twenty years past, he moved the preference of a Warrant for the same might be granted. Then Mr. Haritage Council for the Petitioner Francks appeared and acquainted the Board, that previous to the Execution of the said Deed from Martin Franck to George Counce as aforesd twas agreed between the parties that Franck should patent the Land now in controversy, praying the Rents, on a full hearing of the Arguments on both sides tis considered and Ordered, that Franck survey be set aside and that a Warrant issue to the said George Counce for the premises on Application for the same.

At a Council held at the Council Chamber in New Bern the 8th Day of October 1751

Present His Excoy the Governour

The Hon. { Math Rowan, Jnº Rutherford, Ja Murray, Ja Innes, Ja Hasell, Jnº Swann } Esqrs Members of Council

Read the following Petitions for Warrants for Land Vizt

Henry Skibbons for one hundred acres of Land in Onslow, Jnº Turner 100 in Craven, George Higginbottom 300 Anson, Abraham Stover 300 Anson, Jno Price 600 Anson, George Counce 200 Craven, James Calef 640 Beaufᵗ Jno Roberts 200 Cart, Jaˢ McWhertmer 400 Anson. Granted

Read sundry Petitions for Grants for Patents as follows Vizt

Phillip Millars for 200 acres in Bladen, Jno Becton 150 Craven, Jnº Prescot 60 Craven, Jno Dunn 150 Craven, Michael Higgins 200 Craven, Benjamin Turner 200 Onslow Granted

Edward Givin for 400 acres Anson, Thomas Harrold 250 Craven, Robt Lepper 300 Anson, Thomas Norwood 45 Craven. Granted

His Excy was pleased by and with the Advice and Consent of his Majesty's Council to Order that a New Commission of the Peace issue to New Hanover County Constituting and appointing the former Persons Justices and adding thereto Lewis De Rossett and John Ashe Esqrs

At a Council held at the Council Chambers in New Bern the 10th day of Octor 1751

Present his Excy the Governour

The Hon. { Math Rowan, Jno Rutherford, Ja Murray, Fra Corbin, Ja Hasell, Jno Swann, Ja Innes } Esqrs Members of Council

Read the Petition of Henry Hill in the following words Vizt

To His Excellency Gabriel Johnston Esqr Governor the Honourable Council

The humble Petition of Henry Hill—

That your petitioner having purchased for a valuable consideration six hundred and forty acres of Land lying in Chowan County of the Chowan Indians at their special instance and request which has appeared to his Excellency when they appeared before him in May 1748 But by the Law of this Province passed in the year 1715 it is amongst other things Enacted that the sale of Lands purchased from the Indians, shall pass by assent of Governor and Council. Your Petitioner therefore humbly prays that he is a fair Purchaser for a valuable consideration your Excellency and will be pleased to give your assent to his Purchase for said Land and pray &c HENRY HILL

Dated Octo 10 1751

Which being considered his Excellency the Governour with the advice and Consent of the Council was pleased to approve of the said purchase and admit the Deed to Record and the same is hereby Ordered to be Recorded

At a Council held at the Council Chamber in New Bern 11th day of October 1751

Present his Excy the Governour

The Hon. { Math Rowan, Jno Rutherford, Ja Murray, Fra Corbin, Ja Hasell, Jno Swann, Ja Innes } Esqrs Members of Council

His Excellency the Governour was pleased by and with the advice and consent of the Council to constitute and appoint James Murray and Francis Corbin Esq^{rs} and Col^{o} John Dawson Associate Justices for and within this Province and tis Ordered that a commission do issue accordingly for that purpose.

Whereas several of the persons by Law appointed Commissioner of Fort Johnston at Cape Fear being Dead his Excellency thought fit by and with the advice and Consent of his Majestys Council to appoint James Murray James Innes John Rutherford Esq^{rs} and Col^{o} William Dry Commissioners in the room of those Deceased

Ordered that Writs of Election issue to New Hanover and Granville Counties returnable the second Tuesday in February next

Then the Council adjourned till 3 OClock P. M.

The Council met according to adjournment Present as before

John Rutherford Esq^{r} his Majestys Receiver General of this Province exhibited his accompts of the Receipts of his Majestys Quit rents within the same from the 14th of May to 5th of October 1751 inclusive, and swore thereto before his Ex^{cy} the Governour in Council which is Ordered to be certified

Read sundry Petitions for Warrants for Land as follows Viz^{t}

William Waggoner's for 200 Acres in Beaufort, Alexander McCullock 200 Duplin, Jno Dudley 300 Onslow, Anne Walker 640 N Hanover, Thomas Cuthrill 150 Craven Granted

Read the following Petitions for patents for Land Viz^{t}

Samuel Goodman for 200 Acres Bladen, Samuel Goodman 640 Bladen, Samuel Goodman 640 Bladen, Samuel Goodman 640 Bladen, Paul Trapiere 640 Anson, Granted

Thomas Pugh 300 Anson, Beniram Treadwell 400 N Hanover, Samuel Carver 500 Bladen, W^{m} Williams 640 Onslow, W^{m} Williams 200 Onslow, William Rentledge 100 Craven, Thomas Willcocks 200 Onslow, Granted

At a Council held at the Council Chamber in New Bern the 12 Day October 1751

Present his Ex^{cy} the Governour

The Hon^{ble} { Math Rown, Jn^{o} Rutherford, Ja Murray, Fra Corbin, Ja Hasell, Jno Swann, Ja Innes } Esq^{rs} Members of Council

Read the following Petitions for Grants for patents Viz^{t}

Jno Porters for 100 Bladen, Peter White 300 Bladen, Henry Simms 200 Bladen, Thomas Johnston 100 Bladen, William Johnston 100 Bladen, Granted By order JNO RICE C C

[B. P. R. O. North Carolina. B. T. No. 26.]

LEGISLATIVE JOURNALS.

At a General Assembly begun and held at Newbern the Twelth day of June in the Nineteenth year of our Sovereign Lord George the Second by the Grace of God, of Great Britain, France and Ireland King Defender of the faith &c: and in the year of our Lord one Thousand seven hundred and forty six: and from thence continued by several Prorogations until the Twenty fourth day of September in the year of our Lord One thousand seven hundred and fifty one, and from thence continued until the Twenty sixth instant.

Present

The Honourable { Mathew Rowan. John Rutherford. / James Murray. Francis Corbin. / James Hasell. John Swann. / James Innes. } Esq^rs Members

Adjourned 'till to-morrow morning nine o'clock.

Fryday September 27th 1751. The House met according to adjournment.

Present his Excellency the Governor.

The Honourable { Mathew Rowan. John Rutherford. / James Murray. Francis Corbin. / James Hasell. John Swann. / James Innes. } Esq^rs Members

Mr. Sampson and Mr. Clark came up from the Lower House and acquainted this Board that there were several Members of their House to be qualified.

Whereupon His Excellency ordered the Honourable James Murray and John Swann Esq^rs to qualify them and immediately return to their House.

Then his Excellency sent a mandate to the Lower House commanding their immediate attendance Whereupon the Speaker attended by the Lower House, came up to this House, when His Excellency made the following Speech.

Gentlemen of his Majesties Honourable Council, Mr. Speaker and Gentlemen of the House of Burgesses.

I should have met you some months sooner if I had not been in daily expectation of learning the fate of those two Laws, which are of so great importance to the settlement of this Province; That for an equal representative, and that for fixing the seat of Government and Courts of Law.

But as nothing final has been determined about them and his Majesties Attorney and Solicitor General have made one Objection, and but one, that is the want of a suspending clause, until the Kings pleasure was known, upon which account, they report they cannot advise the confirmation of them, I could no longer forbear the assembling you, for the dispatch of public business.

It must be a great satisfaction to you Gentlemen when you reflect that neither those learned Sages of the Law nor any other of the Ministry have made the least objection to the substance of these laws, on the contrary by repeated accounts from home, I am assured, they are fully satisfied of the absolute necessity of putting it out of the power of the Members of Six Counties to defeat all the good and wholesome intentions of a whole legislature, which they most notoriously did for twelve years together, and to fix a central place for public meeting, where proper Offices may be erected, and in consequence to this by the latest accounts, I am informed that the Lords of Trade have had under their Review for some time past the whole state and constitution of this Colony, in order to make a report to his Majesty, who will, no doubt, out of his fatherly tenderness to all, even the most distant of his subjects, give proper directions for supplying every defect and rectifying whatever is amiss.

In the mean time Gentlemen, you have a fresh opportunity of doing Services to your Country, by adding to the number of excellent Laws you have already passed, such new ones as may be still wanting: you have been already the instruments of doing more real services to your Country, than all your predecessors put together, and I dont at all doubt, but you will continue to proceed with the same prudence, unanimity, and publick spirit you have hitherto done.

GAB: JOHNSTON.

Newbern. September 27th 1751.

Then the House adjourned till Three o'clock in the afternoon.

The House met according to adjournment.

Present

The Honourable { Mathew Rowan. John Rutherford / James Murray. Francis Corbin / James Hasell John Swann / James Innes. } Esqrs Members

Then the House was pleased to order the Governor's Speech to be read, which accordingly was, and the Honourable James Murray, James Hasell and John Swann Esqrs were appointed to prepare an Address to his Excellency

Mr. Housten and Mr. De Rosset Brought up the following Message (viz.)

GENTLEMEN OF HIS MAJESTIES HONOURABLE COUNCIL.

We have appointed a Committee of the following Gentlemen, to examine State, and settle the publick accounts of this Province &c:

Mr. Thomas Kerney, Mr. Lewis De Rosset, and Mr. Eaton.

And also a Committee of the following persons to settle, and allow the publick claim.

Mr. Starkey, Mr. Thomas Lovick, Mr. Francis Brice, Mr. John Dawson and Mr. William Houston in conjunction with such of your Members of your House, as your Honours shall think fit

By Order. SAM[l] SWANN.

Then the House took under their consideration the Message of this day and ordered the following message to be sent (viz.)

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF BURGESSES.

This House taking under their consideration, the Message of this day, regarding the appointment of the Committees of accounts and claims, thought fit to appoint the following Gentlemen, in conjunction with those of your House, to wit, the Honourable James Murray and Francis Corbin Esq[rs] for accounts and the Honourable James Hasell and John Swann Esq[rs] on the claims.

Then the House adjourned till to morrow morning Nine o'clock.

Saturday. September 28[th] The House met according to adjournment.

Present.

The Hon[ble] { Mathew Rowan. John Rutherford. / James Murray. Francis Corbin. / James Hasell. John Swann. / James Innes } Esq[rs] Members.

And adjourned till Monday Morning. 9 o'clock.

Monday. September 30[th] The House met according to adjournment.

Present

{ Mathew Rowan. John Rutherford. / James Murray. Francis Corbin. / James Hasell. John Swann. / James Innes. } Esq[rs] Members.

The Gentlemen appointed by this board to draw up an address to his Excellencys Speech, reported the same; which was ordered to be read, and being approved of, was ordered to be engrossed.

His Excellency came to the board, and the Honourable Mathew Rowan Esq^re^ the eldest Councellor, presented to his Excellency the said address, which was in the following words (viz.)

To his Excellency Gabriel Johnston Esq^re^ Captain General, Governor, and Commander in Chief, in and over his Majesties Province of North Carolina.

The humble address of his Majesties Council of the said Province met in General Assembly.

MAY IT PLEASE YOUR EXCELLENCY.

We his Majesties most dutiful, and loyal subjects, the Members of his Majesties Council, for this Province, met in General Assembly, beg leave to return your Excellency our unfeigned thanks, for your Excellency's Speech, to both Houses at the opening of this Session.

Your Excellency's expectation of knowing his Majesties pleasure, concerning the two important Laws, for the settlement of this Province, that for an equal representative, and that fixing the seat of Government, and Courts of Law, which enduced your Excellency to prorogue the Assembly to this Time proceeding, no doubt, from the impartial regard, your Excellency hath ever shewn for the happiness and prosperity of all his Majesties subjects, under your Government, and, it must be from this Regard, your Excellency wishes, as every honest and unprejudiced man among us, must wish, for the speedy confirmation of those Laws, which in all human probability will soon place the Country, in a flourishing condition. We shall on our parts most cheerfully concur with the other House in passing such Laws as may be necessary, at this Juncture, for the happiness of the people, consistent with the duty we owe his Royal Majesty, notwithstanding all endeavours, to defeat your Excellencie's and our intentions for the General Good.

By Order MATHEW ROWAN.

Then the House adjourned 'till Three o'Clock in the afternoon.

The House met according to adjournment.

Present.

The Hon^ble^ { Mathew Rowan. John Rutherford / James Murray. Francis Corbin / James Hasell. John Swann. / James Innes. } Esq^rs^ Members.

Mr. Sampson and Mr. De Rossett Brought up the following Bills (viz)

A Bill, for an Act, for appointing Inspectors in New Hanover County, and for regulating the Exports of Cape Fear.

A Bill, to alter the Times, for holding the Courts for the County of Craven.

In the General Assembly read the first time and passed

Also a Bill, to appoint a convenient place for holding the County Courts of Duplin and to impower the Commissioners hereafter mentioned to build a Court House, prison and stocks in the said County.

Also an other Bill, to revive an Act, intituled to appoint an Agent to sollicit the affairs of this Province, at the several Boards in England.

In the General Assembly read the said Bills, the first time and passed. In this House read and passed.

Then the House adjourned 'till Tomorrow morning 9 o'Clock.

Tuesday. October 1st 1751. The House met according to adjournment.

Present

Mathew Rowan. John Rutherford
James Murray. Francis Corbin
James Hasell John Swann
James Innes

} Esqrs Members.

Mr. Stringer and Mr. Herring Brought up a Bill, for an Act for impowering the Justices of Johnston County, to make, mend and repair all roads, bridges, cutts, and water courses already laid out, or hereafter to be laid out in the said County. In the General Assembly read the first time and passed. In this House read and passed.

Mr. Houston and Mr. De Rosset Brought up the following Bills (viz)

A Bill to explain part of a Clause, in an Act intituled, an Act for establishing the Church, for appointing Parishes, and the method of electing Vestries and for directing the method for settling of Parish accounts throughout this Government.

A Bill, for building a Church at Willmington in St James Parish, in New Hanover County.

A Bill, for granting to his Majesty a Duty on the Importation of rum and wine into Anson County from South Carolina.

A Bill for an additional Act, intituled an Act how Feme Coverts shall pass land.

A Bill for an additional Act, to the several Acts, to appoint a publick Treasurer.

In the General Assembly read the first time, and past. In this House read and past.

The Bill for an additional Act, intituled an Act, how Feme Coverts shall pass lands. In this House read the first time and past.

Mr. Clark and Mr. Sampson Brought up the following Bills (viz.)

The Bill, for appointing a convenient place for holding the County Courts, at Duplin. In the General Assembly read the second time, and past.

The Bill, impowering the Justices of Johnston County to make and mend roads &c: In the General Assembly read the second time, and past.

The Bill, to revive an Act, intituled an Act to appoint an Agent &c: In the General Assembly read the second time, and past, with Amendments.

Then the House adjourned 'till to-morrow nine o'Clock.

Wednesday. October 2nd The House met according to adjournment.

Present.

The Honble { Mathew Rowan John Rutherford. / James Murray. Francis Corbin / James Hasell John Swann. / James Innes. } Esqrs Members.

Mr. Sampson and Mr. Clark brought up the Bill to alter the Times for holding the Courts, for the County of Craven &c: In the General Assembly, read the second time, and past with amendments. In this House read the second time and past.

Then the House adjourned till Three o'clock in the afternoon.

The House met according to adjournment.

Present.

The Honourable { Mathew Rowan. John Rutherford. / James Murray. Francis Corbin. / James Hasell. John Swann. / James Innes. } Esqrs Members

The additional Act to an Act to appoint an Agent &c: In this House read the second time and passed with amendments.

The Bill, to alter and explain an Act, intituled an Act for relief of insolvent Debtors. In the House read and rejected

Then the House adjourned 'till to-morrow morning Nine o'clock.

Thursday. October 3d The House met according to adjournment.

Present.

The Honble { Mathew Rowan John Rutherford / James Murray Francis Corbin / James Hasell John Swann / James Innes } Esqrs Members.

Mr. De Rosset and Mr. Houston brought up the following Bill. To wit.

A Bill to invest the property of a Bridge in John Peacock and his Heirs by him already built over Contentnee Creek in Johnston County for the Term of Twenty five years. In the General Assembly read and past.

The Bill to amend an Act Entituled an Act for establishing the Church, for appointing Parishes and directing the method of electing Vestries &c: In this House read the second time and past with amendments.

Mr. De Rosset and Mr. Houston brought up a Bill to appoint Inspectors in New Hanover County. In the General Assembly read the second time and passed with amendments.

Mr. Sampson and Mr. Stringer brought up the following Bill (viz.)

The Bill to alter the Time of holding the County Courts of Craven &c: In the General Assembly read the third time and passed.

The Bill, for building a Church in Willmington, &c: In the General Assembly read the second time and passed with amendments.

The Bill for an additional Act to the several Acts to appoint publick Treasurers. In the General Assembly read the second time and passed.

Also a Bill, to put in force the several Acts passed in the years 1715 & 1734. concerning roads and Ferries in Craven County. In the General Assembly read the first time and passed.

The Bill impowering the Justices of Johnston County to make and mend roads. In this House read and passed with amendments.

Then the House adjourned till three o'clock in the afternoon.

The House met according to adjournment.

Present.

The Hon^{ble} { Mathew Rowan, John Rutherford, James Murray, Francis Corbin, James Hasell, John Swann, James Innes } Esq^{rs} Members.

The Bill appointing Inspectors in New Hanover County &c: In the Upper House read the second time and passed with amendments.

The Bill, for granting a duty to his Majesty, on wine and spirituous liquors, imported into Anson County &c: In the Upper House read the second time and passed with amendments.

Mr. M^{c}lewain and Mr. Bartram brought up the following Bills (viz)

A Bill for destroying wild Cattle, and Hogs, and for taking up all wild unmarked and unbranded horses.

A bill for an additional Act, to an Act, intituled an Act for impowering the several Commissioners hereinafter mentioned to make, and mend and repair all roads, Bridges, Cutts and watercourses laid out, or here-

after to be laid out in the several Counties and Districts herein after appointed in such manner as they judge most useful to the Publick.

In the General Assembly read the said Bills the first time and past.

Then the House adjourned 'till to-morrow morning Eight o'clock.

Fryday. October 4th The House met according to adjournment.

Present

The Hon^ble { Mathew Rowan. John Rutherford. / James Murray. Francis Corbin. / James Hasell. John Swann. / James Innes } Esq^rs Members.

The Bill for an additional Act to the several Acts to appoint publick Treasurers.

The Bill for building a Church at Willmington in S^t James Parish in New Hanover County

In the Upper House read the second time and passed with Amendments.

The Bill for an additional Act, to an Act, intituled an Act how Feme Coverts shall pass lands &c: In the Upper House read the second time and passed with Amendments.

The Bill to appoint a convenient place for holding the County Court of Duplin. In the Upper House read the second time and passed with Amendments.

The Bill to alter the times for holding the Courts for the County of Craven. In the Upper House read the third time and passed. Ordered that the same be sent down, and engrossed.

Mr. De Rosset and Mr. Houston Brought up the two following Bills (viz)

A Bill for a Church at Brunswick. In the General Assembly read the first Time and passed

The Bill, for impowering the Justices of Johnston County to divide the same into districts and appoint Commissioners &c: In the General Assembly read the third time and passed. Ordered the same be sent down and engrossed.

The Bill to put in force the several Acts passed in the years 1715. & 1734. concerning roads and Ferries &c: In this House read and rejected.

Mr. Sampson and Mr. Bartram Brought up a Bill for regulating the Pilotage at Cape Fear River, and to impower the Captain of Fort Johnston, at the mouth of said River, to examine all vessels entring the said River concerning the health of their Crew on board the said vessels. In the General Assembly read the first Time, and passed.

The Bill to impower the Court of Bladen County, to lay out certain Districts, in the places herein mentioned and to appoint Commissioners for the roads of the same. In the Upper House read the first time, and passed with Amendments.

The Bill to revive an Act, intituled an Act, to appoint an Agent &c: In the General Assembly read the Third time, and passed with Amendments. In the Upper House read the Third Time, and passed. Ordered the same be sent down and engrossed.

Then the House adjourned 'till Three o'Clock in the afternoon.

The House met according to adjournment.

Present.

The Hon^{ble} { Mathew Rowan. John Rutherford. / James Murray. Francis Corbin. / James Hasell. John Swann. / James Innes } Esq^{rs} Members.

The Bill for regulating the Pilotage of Cape Fear River &c: In the Upper House read the first time and passed.

A Bill, for building and keeping in repair a Bridge on Contentnee Creek &c: In the Upper House read the said Bill the first time and passed.

Then the House adjourned 'till to-morrow morning 9 o'Clock.

Saturday, October 5th The House met according to adjournment.

Present.

The Hon^{ble} { Mathew Rowan. John Rutherford. / James Murray. Francis Corbin / James Hasell John Swann. / James Innes } Esq^{rs} Members.

Mr. Macklewain and Mr. Bartram Brought up the Bill to amend an Act intituled an Act, for establishing the Church for appointing Parishes and the method of electing Vestries, and directing the settlement of Parish accounts throughout this Government. In the General Assembly read the second time and passed with Amendments.

The Bill, for amending and supplying the defects, in an Act, intituled an Act to appoint Commissioners in the place and stead of those deceased, to compleat and finish the Church at Newbern and for adding the present Churchwardens, and vestrymen to the said Commissioners, and for impowering the said Commissioners, Churchwardens and Vestrymen, to call the former Commissioners to account, for all the monies by them received for the use of the Said Church, and to appropriate it, to the purpose aforesaid, and in case of insufficiency to lay a levy to accomplish the same. In the Upper House read the first Time and passed with Amendments.

The Bill, to amend Act, intituled an Act for establishing the Church &c. In the Upper House read the second time and passed.

Then the House adjourned till three o'clock in the afternoon.

The House met according to adjournment.

Present.

The Honourable { Mathew Rowan. John Rutherford. / James Murray. Francis Corbin. / James Hasell John Swann. / James Innes. } Esq^rs Members.

The Bill for building a Church at Brunswick. In the Upper House read the first time and passed with Amendments.

Then the House adjourned 'till Monday morning 9 o'clock.

Monday October 7^th The House met according to adjournment.

Present.

The Honourable { Mathew Rowan. John Rutherford. / James Murray. Francis Corbin. / James Hasell. John Swann. / James Innes. } Esq^rs Members.

Mr. Houston and Mr. Brice Brought up the Bill appointing Inspectors in New-Hanover County. In the General Assembly read the third time and passed with Amendments. In the House read and passed. Ordered that the same be sent down and engrossed.

Mr. Houston and Mr. Brice Brought up the Bill for appointing a convenient place for holding the County Courts of Duplin County. In the General Assembly read the third time and passed with Amendments.

Also the Bill, for granting to his Majesty a Duty on the importation of rum and wine into Anson County &c: And the Bill for building a Church at Willmington &c: In the General Assembly read said Bills the Third Time and passed with amendments.

Mr. Houston and Mr. Brice Brought up a Bill for an Additional Act to the several Acts, to appoint publick Treasurers &c: In the General Assembly read the Third time and passed.

The Bill for building a Church at Willmington &c: In this House read the third time and passed. Ordered the same to be sent down and engrossed.

The House upon reading the Bill to appoint a convenient place for holding the Court of Duplin &c: were pleased to send the following message (viz)

Mr. Speaker and Gentlemen

Upon reading the Bill to appoint a convenient place for holding the County Court of Duplin, in this House a third time we find you deled

our amendments with regard to an alteration made by us for fixing the bounds of the said County. We are sorry you should differ from us when so many reasons appear on the face of the said amendment, particularly that of the inconveniency attending the County Courts at Willmington & Muster. We must therefore if you approve thereof desire your concurrance of our Said amendment which we shall pass the Bill a third time.

Then the House adjourned 'till Three o'clock in the afternoon.

The House met according to adjournment.

Present.

The Hon^{ble} { Mathew Rowan. John Rutherford. / James Murray. Francis Corbin. / James Hasell. John Swann. / James Innes. } Esq^{rs} Members.

Mr. Sampson and Mr. Macklewain Brought up a Bill to confirm the four lots in Newbern Town, lately conveyed to the Commissioners for the Publick buildings for the use of the publick for ever. In the General Assembly read the first time and passsed. In this House read and past.

Then the House adjourned 'till to morrow morning 9 o'clock.

Tuesday October 8th The House met according to adjournment.

Present.

The Hon^{ble} { Mathew Rowan. John Rutherford. / James Murray. Francis Corbin. / James Hasell. John Swann. / James Innes. } Esq^{rs} Members.

Mr. Starkey and Mr. Caruthers Brought up the Message from this House of yesterday concurred with, and accordingly the Members saw the said amendment made at this Board, upon which the said Bill past the third time, upon the said Amendment, and the said Bill was ordered to be engrossed.

The Bill for granting to his Majesty a duty on the importation of rum and wine into Anson County &c: In the Upper House read the third time, and passed. Ordered the same to be sent down and engrossed.

Mr. Starkey and Mr. Carruthers Brought the following Bills (viz.)

The Bill to confirm the four Lots in Newbern &c: In the General Assembly read the second time and passed with amendments.

The Bill to amend an Act, intituled an Act, for establishing the Church for appointing Parishes and electing Vestries &c: In the General Assembly read the third time and passed

The Bill to appoint Commissioners to receive, collect and apply subscriptions towards building a Church in the Town of Brunswick and other purposes therein mentioned. In the General Assembly read the second time, and passed with Amendments.

The Bill to amend an Act, intituled an Act to establish the Church &c: In this House read the Third time, and passed. Ordered the same to be sent down and engrossed.

The Bill to appoint Commissioners to receive, collect and apply subscriptions toward building a Church in Brunswick &c: In the Upper House read the third time and passed with Amendments. Ordered the same to be sent down and engrossed.

Then the House adjourned till three o'clock in the afternoon.

The House met according to adjournment.

Present.

The Hon^{ble} { Mathew Rowan. John Rutherford. / James Murray. Francis Corbin. / James Hasell. John Swann. / James Innes. } Esq^{rs} Members.

Mr. De Rosset and Mr. Clark Brought up the following Bills (viz.)

The Bill to invest the property of a Bridge in John Peacock and his Heirs.

The Bill to impower the Court of Bladen to lay out certain Districts &c:

In the General Assembly read the second time and passed.

Also the Bill to amend and supply the defects in an Act intituled an Act to appoint Commissioners &c: In the General Assembly read the second time and passed.

The Bill to mend and supply the defects in an Act intituled An Act to appoint Commissioners &c: In this House read the second time and passed with Amendments.

The Bill to appoint the Court of Bladen to lay out certain Districts in the places herein mentioned and appoint Commissioners for the roads &c: In the Upper House read the second time and passed.

Then the House adjourned till to morrow morning 9 o'clock

Wednesday. October 9th The House met according to adjournment.

Present

The Honourable { Mathew Rowan. John Rutherford. / James Murray. Francis Corbin. / James Hasell. John Swann. / James Innes. } Esq^{rs} Members

The Bill to confirm the four lots in Newbern Town lately conveyed to the Commissioners for the use of the Publick Buildings &c: In the Upper House read the second time and passed with amendments.

The Bill for regulating the Pilotage of Cape Fear &c: In the Upper House read the second time and passed with amendments.

Then the House adjourned 'till three o'clock in the afternoon.

The House met according to adjournment.

Present.

The Honourable { Mathew Rowan. John Rutherford. / James Murray. Francis Corbin. / James Hasell. John Swann. / James Innes. } Esq^rs Members

Mr. Houston and Mr. Brice brought up the following Bills (viz.)

The Bill to confirm the four Lots in Newbern &c:

The Bill regulating the Pilotage of Cape Fear &c:

In the General Assembly read the third time and passed with amendments.

The Bill for building a Church at Brunswick &c: In the General Assembly read the third time and passed. In this House read the third time and passed. Ordered the same to be sent down and engrossed.

The Bill for an additional Act to an Act intituled an Act Feme Coverts pass Land. In the General Assembly read the third time and passed. In this House read the third time and passed. Ordered the same to be sent down and engrossed.

Mr. Houston and Mr. Brice brought up the Bill to empower the Court of Bladen to lay out certain Districts in the place herein mentioned and to appoint Commissioners &c: In the General Assembly read the third time and passed. In this House read and passed. Ordered the same to be sent down and engrossed.

Then the House adjourned 'till to-morrow morning 9 o'clock.

Thursday October 10th 1751. The House met according to adjournment.

Present.

The Honourable { Mathew Rowan. John Rutherford / James Murray. Francis Corbin. / James Hasell. John Swann. / James Innes. } Esq^rs Members

Mr. Bartram and Mr. Clarke brought up the Report of Committee of Claims. In the General Assembly read and concurred with. Also the following message (viz.)

GENTLEMEN OF HIS MAJESTIES HONOURABLE COUNCIL.

There appears to be paid into the Committee of accounts the sum of £30. 15^{s} Proclamation money, on account of the old loan money, and also £9070. 2^{s} 6^{d} old Bills, which were exchanged for those of the new emission, and also the sum of £527. 14^{s} 4^{d} Proclamation money on the sinking fund, which we think to examine, and burn to-morrow at eleven o'clock in the afternoon and desire you will appoint some of the Members of your House to see the same done, if you think proper.

We also herewith send you the report of the Committee of Accounts and have made some alterations herein, and desire your concurrance.

SAM^{l} SWANN. Speaker.

Mr. Houston and Mr. Brice brought up the Bill to supply the Defects in an Act intituled an Act to appoint Commissioners &c: In the General Assembly read the third time and passed with amendments. In this House read the third time and passed. Ordered the same to be sent down and engrossed.

The Bill to regulate the Pilotage of Cape Fear &c: In this House read the third time and passed. Ordered the same to be sent down and engrossed.

The Bill to invest the property of a Bridge in John Peacock &c: In this House read the second time and passed.

The Bill to confirm the four Lots in Newbern Town &c: being read in this House the third time, was put to the House whether the same should pass which was carried in the affirmative, and the Bill ordered to be sent down and engrossed.

The House upon reading the Message of the Lower House, regarding the burning the Bills, and the Report of the Committee of Accounts were pleased to send the following Message.

MR. SPEAKER AND GENTLEMEN.

In answer to your message by Mr. Bartram and Mr. Clark about burning the Bills therein mentioned, we have appointed the Honourable James Murray and Francis Corbin Esq^{rs} Members of this House to examine the said Bills and to see the same burned, as to the paper which you have sent up, and are pleased to call a report of the Committee of Accounts, it does not appear to us, to be a proper report of that Committee, have not signed the same.

We must therefore desire your concurrance in ordering the several Accountants to lay their Accounts before our Committee, for their report, before we can concurr with you.

Mr. De Rosset and Mr. Kerney Brought up the Bill to invest the Property of a Bridge in John Peacock. In the General Assembly read the Third Time and passed.

Also the Report of the Committee of Claims, read in the General Assembly and concurred with, together with the following message (viz)

GENTLEMEN OF HIS MAJESTIES HONOURABLE COUNCIL.

We herewith send you the Report of the Committee of Claims, and have made several Alterations and Additions therein, to which Report, Alterations and Additions, desire your concurrance, and that you would send the same back, that the Clerk may make out an estimate thereupon.

SAM[l] SWANN. Speaker.

Then the House adjourned till Three o'clock in the afternoon.

The House met according to adjournment.

Present

The Hon[ble] { Mathew Rowan. John Rutherford. / James Murray. Francis Corbin. / James Hasell. John Swan. / James Innes } Esq[rs] Members.

The Bill to invest the property of a Bridge in John Peacock &c: In the Upper House read the Third time and passed. Ordered that the same be sent down and engrossed.

Mr. Macklewain and Mr. Clark Brought up the following Message (viz)

GENTLEMEN OF HIS MAJESTIES HONORABLE COUNCIL.

We are much surprised that you should, in your Message of this day make an Objection to the Report of the Committee of Publick Accounts because your Members had not signed them which not being done by them after the Committee has through an Examination of the said Accounts, in which the Members appointed by your House assisted and had not drawn up the said report; the said Committee imagined your said Members did not think it necessary to put their names to the said Report, as they did neither refuse nor agree so to do; but as we are informed by our Committee were satisfied with the Justice and regularity of the said Accounts so to be reported. Nevertheless to take away all cause of difference between the two Houses of Assembly, have ordered the Accountants to lay their Account before any Committee, you may appoint for that purpose, and will not now examine the regularity of such a manner of proceeding. SAM[l] SWANN. Speaker.

Then the House sent the following Message, in relation to the report of the Committee of Claims sent up this morning (viz)

In answer to your Message relating to the Claims; we must observe, that as no notice was given to our members, that they may meet yours on the Claims, which you have now sent, so they could not sign the same, and as we think it no proper report, we therefore request you'll order all the vouchers relating to the said Claims, to be laid before such Members as we have appointed to meet yours, that a proper report be made for our concurrance.

Mr. Houston and Mr. Kerney Brought up the following message (viz)

GENTLEMEN OF HIS MAJESTIES HONOURABLE COUNCIL.

This House have resolved that £100. Proclamation money be paid to his Excellency the Governour for expresses and incident Charges of Government to this Time and that the same, together with the claims now allowed, and the estimates of Expences due to the Members of both Houses and the Officers thereof, this session of Assembly be paid by the Treasurer out of the Money now remaining out of the publick Treasury; And desire your concurrance thereto. SAM[l] SWAN. Speaker.

Then the House adjourned till To morrow morning eight o'clock.

Fryday. October 11[th] The House met according to adjournment.

Present.

The Hon[ble] { Mathew Rowan. John Rutherford. / James Murray. Francis Corbin. / James Hasell. John Swan. / James Innes. } Esq[rs] Members.

Mr. Houston and Mr. Dawson Brought up the following Message (viz.)

GENTLEMEN OF HIS MAJESTIES HONOURABLE COUNCIL.

In answer to your Message relating to your Members not having notice given them to meet the Committee of this House on the Publick Claims; the said Committee informs this House, that notice was given to the Members appointed by you to join the said Committee, and that at times they attended the said Committee. As to your Members not signing the report, the same hath often happened, and no exceptions taken thereto. We observed in our last Message, we would avoid every triffling occasion of quarrel with your House, we have therefore ordered the Clerk of the Committee of Claims to lay the several vouchers for the same, which have been reported by them and allowed by this House before such of your Members as you shall appoint. SAM[l] SWANN. Speaker.

Then the House adjourned till three o'clock in the afternoon.

The House met according to adjournment.

Present.

The Hon^{ble} { Mathew Rowan. John Rutherford / James Murray. Francis Corbin. / James Hasell. John Swann. / James Innes. } Esq^{rs} Members.

Mr. Murray and Mr. Corbin, two of the Members of this House appointed to inspect the vouchers, and accounts of the Committee of Accounts, reported the same, which report being read, was approved of by the House.

The Report of the Committee of Accounts being read in this House and voted. Thereupon the same was ordered to be sent concurred with. As also the Message of yesterday regarding the resolve of the Lower House, with the Report of the Committee of Claims upon the £100 Procla^{m} to be paid his Excellency, and the estimate of this House, with the Report of the Committee of Claims, also concurred with by this House.

Then the House adjourned till Tomorrow morning Nine o'clock.

Saturday. October 12th The House met according to adjournment.

Present

The Hon^{ble} { Mathew Rowan. Jn^{o} Rutherford / James Murray. Fra Corbin / James Hasell. Jn^{o} Swann. / James Innes. } Esq^{rs} Members.

The estimate of the allowances due to the Members of the General Assembly being sent up to this House for the Concurrance of this Board, was after being read and voted, sent down concurred with which amounted to £192. 6^{s} 4^{d}

Mr. Bartram and Mr. Clark Brought the following Message. (viz.)

Gentlemen of his Majesties Honourable Council.

As the surveying Commissioners for stamping and emitting the sum of £21350. Publick Bills of Credit of this Province at the rate of Proclamation Money have made their accounts of the Emission of the said Bills, to the satisfaction of this House, which has also been concurred with by you,

This House therefore resolved that the Bills remaining of the said Emission in the Chest after payment of the estimate of the Claims, and expences of the Assembly, allowed at this Session be delivered into the hands of the publick Treasurer of the Southern District, and that the said Commissioners be discharged of the same. And further that on the

exchanging and payment of the said Bills so delivered him as aforesaid, he be allowed one ℔ cent and no more.

SAM[l] SWANN. Speaker.

The foregoing message being read in this House was sent down concurred with.

Then His Excellency came to this House and sent a mandate to the Lower House commanding their immediate attendance.

Whereupon the Speaker, attended by the Lower House waited on his Excellency in the Council Chamber and Mr. Speaker presented to his Excellency the following Bills (viz.)

The Bill to alter the times for holding the County Courts of Craven County.

The Bill for impowering the Justices of Johnston County to divide the same into Districts &c:

The Bill to revive an Act entituled, an Act to appoint an Agent to sollicite the affairs of this Province at the several Boards in England.

The Bill to appoint Inspectors in New Hanover County and regulating the Exports at Cape Fear.

The Bill for an additional Act to an Act to appoint Publick Treasurers.

The Bill for building a Church at Willmington in New Hanover County &c:

The Bill for appointing a Place for holding the Court for the County of Duplin

The Bill for granting to his Majesty a Duty on the Exportation of Wine an Rum into Anson County from South Carolina.

The Bill to amend an Act, entituled an Act to establish the Church &c:

The Bill for an additional Act to an Act, intituled an Act Feme-Coverts how to pass lands.

The Bill to impower the Justices of Bladen County, to lay out certain Districts in the places therein mentioned.

The Bill to appoint Commissioners to receive, collect, and apply Subscriptions towards building a Church in Brunswick &c:

The Bill to amend and supply the defects of an Act to appoint Commissioners in the place and stead of those deceased, to compleat and finish the Church in New Bern.

The Bill for regulating the Pilotage of Cape Fear, and to impower the Captain of Fort Johnston at the Mouth of said River to examine all vessels &c:

The Bill to confirm the four Lots in Newbern to the Commissioners for the publick buildings, for the use of the publick for ever.

The Bill to invest the property of a Bridge in John Peacock and his Heirs &c: by him already built over Contentney Creek in Johnston county for the Term of Twenty five years.

To all which Bills his Excellency was pleased to give his assent, and then prorogued the Assembly to the second Tuesday in February next to be then held at Newbern.

North Carolina—ss.

In the Lower House, Thursday September 26th 1751.

Mr. Eaton moved, that the absent Members be sent for in custody which was agreed to, nemine contradicente

Ordered, That they be sent for in Custody, and that Mr. Speaker issue his warrants accordingly.

The House adjourned till to morrow morning 9 o'clock.

Friday Septr 27th 1751. The House met according to Adjournment.

The Clerk of the Crown returned Certificates, that the following Gentlemen were duly elected, to serve in this present General Assembly, for the several Counties and Towns following, viz.

Mr. Lewis de Rosset for the Town of Wilmington;

Mr. Thomas Kerney for Edgcomb County;

Mr. Francis Brice & Mr. Wm Houston for Duplin County;

Mr. Chas. Robinson & Mr. Caleb Howell for Anson County;

Who, except Mr. Howell, appeared at the Bar of this House, and moved to be qualifyed as Members for the said Town and Countys, to sit and vote in this present General Assembly.

Ordered, That Mr. Sampson and Mr. Clark acquaint his Majesty's Council therewith, and let them know, this House desire they would send some of the Members of the said Council, to qualify the above said Gentlemen.

James Murray and John Swann Esqrs two of the Members of his Majesty's Council, came to the House; and before them, Mr. Thomas Kerney, Mr. Lewis de Rosset, Mr. Francis Brice, Mr. William Houston, and Mr. Charles Robinson took the oaths appointed by law for their qualification, subscribed the Test, and took their seats in the House accordingly.

His Excellency the Governor sent a message to this House, commanding their immediate attendance in the Council Chamber.

Mr. Speaker, with the rest of the Members of this House, waited upon his Excellency the Governor, in the Council Chamber; when his Excellency the Governor was pleased to deliver the following speech.

The House returned

Ordered That the same be read.

Read the same.

Ordered, That it be entered on the Journals of the House; which is done as follows, viz.

GENTLEMEN OF HIS MAJESTIE'S HONOURABLE COUNCIL, MR. SPEAKER, & GENTLEMEN OF THE HOUSE OF BURGESSES.

I should have met you some months sooner, if I had not been in daily expectation of learning the fate of those two laws, which are of so great importance to the settlement of this Province; that for an equal Representative, and that for fixing the seat of Government and Courts of Law.

But as nothing final has been determined about them, and his Majesty's Attorney & Solicitor General have made one objection, and but one, that is, the want of a suspending Clause, until the King's pleasure was known; upon which account, they report they cannot advise the confirmation of them; I could no longer forbear the assembling you, for the dispatch of public business.

It must be a great satisfaction to you, Gentlemen, when you reflect, that neither those learned Sages of the Law, nor any other of the Ministry, have made the least objection to the substance of these Laws; on the contrary, by repeated Advices from Home, I am assured, they are fully satisfied of the absolute necessity of putting it out of the power of the Members of six Counties, to defeat all the good and wholesome intentions of a whole Legislature, which they most notoriously did for twelve years together; and to fix a central place for Public Meeting, where proper Offices may be erected.

And in consequence of this by the latest Accounts, I am informed, that the Lords of Trade have had under their review, for some time past, the whole state and constitution of this Colony, in order to make a report to his Majesty; who will, no doubt out of his fatherly tenderness to all, even the most distant of his subjects, give proper directions for supplying every defect, and rectifying whatever is amiss.

In the mean time, Gentlemen, you have a fresh opportunity of doing service to your Country, by adding to the number of excellent Laws you have already pass'd, such new ones as may be still wanting: You have been already the instruments of doing more real service to your Country than all your Predecessors put together; and I don't at all

doubt but you will continue to proceed with the same prudence, unanimity and Public Spirit you have hitherto done.

Mr. Sampson moved that a Committee be appointed to draw an Address to his Excellency the Governor's Speech, and the following persons were accordingly appointed, viz. Mr. John Starkey, Mr. Lewis De Rosset and Mr. John Dawson.

Mr. Starkey moved that a Committee be appointed to examine, state, and settle the Public Accounts of this Province. The following persons were accordingly appointed, viz. Mr. Thomas Kerney, Mr. Lewis De Rosset and Mr. William Eaton.

Mr. Sampson moved that a Committee be appointed to settle and allow the Public Claims, and the following persons were accordingly appointed viz. Mr. Thomas Lovick, Mr. John Starkey, Mr. John Dawson, Mr. Francis Brice and Mr. W^{m} Houston.

Mr. Starkey moved that a message be sent to the Council to appoint such of their Members as they shall think proper to joyn the Committees appointed by this House to examine, state, and settle the Public Accounts of this Province, and also, to settle and allow the Public Claims thereof, which was agreed to, nemine contradicente.

Sent the following Message to his Majesty's honourable Council, viz.

GENTLEMEN OF HIS MAJ^{ties} HON^{ble} COUNCIL,

We have appointed a Committee of the following Gentlemen to examine, state & settle the Publick Accounts of this Province, viz: Mr. Thomas Kerney, Mr. Lewis De Rosset, and Mr. William Eaton: and also a Committee of the following Gentlemen to settle and allow the Public Claims, in conjunction with such Members of your House as your Honours shall think fit.

By Order. S. SWANN. Speaker.

Mr. Sampson moved for leave to bring in a Bill to alter the place for building the Court House in Duplin County.

Ordered That he have leave, and that he prepare and bring in the same.

Mr. William Eaton laid before the House a Petition from the Inhabitants of Granville County, setting forth several hardships they lie under in carrying Tobacco to the Warehouses in the said County in discharge of their County and Parish Levies, praying Relief &c.

Mr. Starkey moved, (and was seconded) that the said Petition lie on the table for Consideration.

Ordered. That the same lie on the Table for consideration.

The House adjourned till 4 o'clock in the afternoon.

P. M. The House met according to Adjournment.

The House adjourned till to morrow morning 9 o'clock.

Saturday, September 28, 1751. The House met according to Adjournment.

Received the following Message from the Council, viz:

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF BURGESSES,

This House taking under their consideration the message of yesterday, regarding the appointment of the Committees of Accompts and Claims thought fit to appoint the following Gentlemen, in conjunction with those of yours, to wit, the honourable James Murray and Francis Corbin Esq[rs] for the Accompts, and the honourable James Hasell and John Swann, Esq[rs], for the Claims.

Dated Sept[r] 28, 1751.

Mr. Caleb Howell, the other Member for Anson County appeared, took the oaths appointed by Law for his qualification, subscribed the Test, and took his seat in the House accordingly.

Mr. D'Rosset moved, for leave to bring in a Bill, for appointing inspectors in New Hanover County, and for regulating the exports of Cape Fear.

Ordered, That he have leave, and that he prepare and bring in the same.

Mr. D'Rosset brought in the above-said Bill, which he read in his place.

Ordered, That the same pass and be sent to the Council.

The House adjourned till 3 o'clock in the afternoon.

P. M. The House met according to Adjournment.

Mr. Starkey from the Committee appointed to prepare the address of this House, in Answer to His Excellency the Governor's Speech, reported, the Committee had prepared the same, which he read in his place.

Ordered, The same be engrossed; which is accordingly done, and is as follows, viz.

To his Excellency Gabriel Johnston Esq[re] Captain-General, Governor, & Commander in Chief, in & over His Majesty's Province of North Carolina.

The Humble Address of the General Assembly of the said Province.

MAY IT PLEASE YOUR EXCELLENCY,

It is an agreable Pleasure to us, that the Laws passed in the several Sessions of this Assembly, meet the approbation of so good a Judge as

your Excellency; and tho' some of them, especially those two important ones, particularly mentioned by your Excellency, have unhappily (from the mistakes of some Persons, and the private views and designs of others) missed of that general good effect by us so honestly designed, and cordially wished for; yet, with great satisfaction, we have your Excellency's assurance, that notwithstanding all the noise and clamour made by People fond of contention here, the sole objection made at home, either by those learned Gentlemen of the Law, to whom those two Laws were referred, or his Majesty's Ministers; is, as to the passing them without a suspending clause, until his Majesty's pleasure was known, and for ought we can learn, the substance and equity of them remains unshaken and do not in the least doubt, but that, as the whole state and constitution of this Province, for some time has lain before the Lords Commissioners of Trade, for their report thereon to his royal Majesty, he will be pleased, out of his wonted paternal goodness to all his subjects in general, to give such directions, as will for the future prevent all manner of dispute.

We are now met with fixed resolutions, to promote such other good and necessary Laws, as the Circumstances of the whole Province in general, and our several Constituents in particular, do yet want and loudly call for.

And we assure your Excellency, we shall endeavour to do what may be in our power, to render your just and mild Administration over us (which we desire long to continue) easy and agreable; and shall proceed in the Public Business before us (as we flatter ourselves we have heretofore constantly done) with unanimity, assiduity and dispatch.

The House adjourned till Monday morning 10 o'clock.

Monday Sept^{r} 30th 1751. The House met according to Adjournment.

His Excellency the Governor, sent a Messagé to this House, commanding their immediate attendance in the Council Chamber.

The House in a full Body waited on his Excellency the Governor, in the Council Chamber; when Mr. Speaker presented his Excellency with the Address of this House.

Mr. Stringer one of the Members for Craven County appeared.

William Speight, Serjeant at arms, returned the warrant, issued by Mr. Speaker, and directed to the said Serjeant, to take into his custody Mr. John Barrow, Mr. Michael Coutauch, Mr. James Calf, and Mr. Samuel Sinclair, as follows; executed on Mr. Calf, the 27th of September 1751, and on Mr. Barrow, Mr. Sinclair, and Mr. Coutauch, the 28th of September. WILLIAM SPEIGHT.

Ordered. That the above named Gentlemen be fined 30^s each, for three days absence from the service of the House; and that Mr. Speaker issue his warrant (directed to the Messenger) pursuant to an Act of Assembly of this Province, in such cases made & provided.

Mr. Sampson brought in a Bill, to appoint a convenient place for holding the County Court of Duplin, and to impower the Commissioners hereafter named, to build a Court-House, Prison and Stocks, in the said County, which he read in his place.

Ordered. That the same pass, and be sent to the Council.

Mr. Carruthers moved, for leave to bring in a Bill, to alter the Times for holding the Courts for the County of Craven.

Ordered. He have leave, and that he prepare and bring in the same.

Mr. Carruthers brought in a Bill, to alter the times for holding the Courts for the County of Craven, which he read in his place.

Ordered. That the same pass & be sent to the Council.

Mr. Starkey moved, for leave to bring in a Bill, to revive an Act, intituled An Act to appoint an Agent, to sollicit the affairs of this Province, at the several Boards in England.

Ordered. That he have leave, and that he prepare and bring in the same.

Mr. Starkey brought in the said Bill, which he read in his place.

Ordered. That the same pass & be sent to the Council.

Sent the above three Bills to the Council, and also the Bill for appointing Inspectors in New Hanover County, and for regulating the exports of Cape Fear River; by Mr. Sampson, and Mr. D'Rosset.

The House adjourned till 3 o'clock in the afternoon.

P. M. The House met according to Adjournment.

Mr. Herring moved, for leave to bring in a Bill, for impowering the Justices of Johnston County, to make, mend, and repair all Roads, Bridges, Cutts and Water Courses, already laid out, or hereafter to be laid out in the said County.

Ordered. That he have leave and that he prepare and bring in the same.

Mr. Herring brought in the said Bill, which he read in his place.

Ordered. That the same pass & be sent to the Council.

Sent the above Bill to the Council, by Mr. Stringer, and Mr. Herring.

The House adjourned till tomorrow morning 9 o'clock.

Tuesday October 1st 1751. The House met according to Adjournment.

Received from the Council the following Bills, viz.

The Bill, to revive an Act, intituled, an Act, to appoint an Agent to sollicit the affairs of this Province &c.

The Bill, to alter the times for holding the Courts for the County of Craven.

The Bill, to appoint a convenient place, for holding the County Court of Duplin.

The Bill, for appointing Inspectors in New Hanover County &c. Endorsed; in the Upper House read the first time and passed.

By Order. R. LOVET. Clerk.

And the Bill, for impowering the Justices of Johnston County, to make, mend, and repair the Roads, Bridges &c. in the said County. Endorsed; in the Upper House, read the first time and passed.

By Order. R. LOVET. Clerk.

Mr. Starkey moved, for leave to bring in a Bill, for an Additional Act to the several Acts to appoint Public Treasurers.

Ordered. That he have leave, and that he prepare & bring in the same.

Mr. Starkey brought in the above-said Bill, which he read in his place.

Mr. Dawson moved, for leave to bring in a Bill, for an additional Act to an Act intituled, An Act, Feme Coverts how to pass Lands.

Ordered. That he have leave, and that he prepare and bring in the same.

Mr. Dawson brought in the above-said Bill, which he read in his place.

Mr. D'Rosset moved, for leave to bring in a Bill, for building a church in Wilmington, in S^{t} James' Parish, in New Hanover County.

And a Bill to explain part of a Clause in an Act, intituled, An Act, for establishing the Church, for appointing Parishes, and the method of electing Vestries &c.

Ordered. That he have leave, and that he prepare and bring in the same.

Mr. D'Rosset brought in the above-said two Bills, which he read in his Place.

Ordered That the above-said four Bills pass, and be sent to the Council.

Mr. Robinson moved, for leave to bring in a Bill, for an Act, intituled, an Act for granting to his Majesty a Duty on the importation of Rum, &c. into Anson County, from South Carolina.

Ordered. That he have leave, and that he prepare and bring in the same.

Mr. Robinson brought in the above-said Bill, which he read in his place.

Ordered. That the same pass & be sent to the Council. Sent the above Bills to the Council, by Mr. Houston & Mr. D'Rosset.

Ordered That the Bill to revive an Act, intituled, an Act, to appoint an Agent, to sollicit the affairs of this Province, at the several Boards in England, be read the second time.

Read the above-said Bill the second time, and passed with Amendments.

Ordered, That the Bill for impowering the Justices of Johnston County, to make, mend, and repair all Roads, Bridges, Cutts & watercourses &c. be read the second time.

Read the said Bill the second time, and passed.

Ordered, That the above-said two Bills be sent to the Council.

Sent the aforesaid two Bills to the Council, by Mr. Clark and Mr. Sampson.

Ordered, That the following Bills be read, viz.

The Bill, to alter the times for holding the Courts for the County of Craven, the second time; and The Bill to appoint a convenient place, for holding the County Court of Duplin &c. the second time; which said two Bills were amended and passed.

Ordered, That the said two Bills be sent to the Council.

Sent the above two Bills to the Council by Mr. Clark and Mr. Sampson.

Received from the Council, the Bill, for building a church at Wilmington, in S^{t} James's Parish, in New Hanover County &c. Endorsed, In the Upper House, read the first time and passed.

By Order. RICH: LOVET, Clerk.

And the Bill, for an additional Act to an Act, intituled, An Act, Feme Coverts how to pass lands. Endorsed. In the Upper House, read the first time and passed. By Order. R. LOVET. Clerk.

The House adjourned till to morrow 9 o'clock.

Wednesday October 2nd 1751. The House met according to adjournment.

Mr. Dawson moved for leave to bring in a Bill, to alter and explain an Act, intituled, An Act, for the relief of insolvent debtors, as to the imprisonment of their Persons.

Ordered, That he have leave, and that he prepare and bring in the same.

Mr. Dawson brought in the said Bill, which he read in his place.

Ordered, That the same pass & be sent to the Council.

Sent the above Bill to the Council by Mr. D'Rosset and Mr. Houston.

Received from the Council the following Bills, viz.

The Bill, for an additional Act to the several Acts, to appoint Public Treasurers.

The Bill, for granting to his Majesty, a duty on the importation of rum &c. into Anson County, from South Carolina.

And the Bill, to alter the times for holding the Courts for the County of Craven.

Endorsed; In the Upper House, read the second time and passed.

By Order. R. LOVET. Clerk.

Mr. Carruthers moved for leave to bring in a Bill, to impower the Churchwardens &c.

Ordered, That he have leave, and that he prepare and bring in the same.

Mr. Carruthers brought in the said Bill, which he read in his place.

Ordered, That the same pass & be sent to the Council.

Sent the above Bill to the Council by Mr. De Rosset & Mr. Houston.

Ordered, That the Bill, for appointing Inspectors in New Hanover County, and for regulating the Exports at Cape Fear, be read the second time.

Read the above-said Bill the second time and amended the same.

Ordered, That the same pass, and be sent to the Council, with the said amendments.

Ordered, That the Bill, for an additional Act to an Act, Feme Coverts how to pass Lands, be read the second time.

Read the above-said Bill the second time & amended it.

Ordered, That the same pass, and be sent to the Council, with the Amendments.

Sent the same to the Council by Mr. De Rosset & Mr. Houston

Mr. Herring moved for leave to bring in a Bill, to invest the property of a Bridge in John Peacock, his Heirs and Assigns (by him already built over Contentney Creek, in Johnston County) for the term of twenty five years.

Ordered, That he have leave, and that he prepare and bring in the same.

Mr. Herring brought in the above-said Bill which he read in his place.

Ordered, That the same pass & be sent to the Council.

Sent the above bill to the Council by Mr. D'Rosset and Mr. Houston.

Ordered, That the Bill, for an Additional Act, to the several Acts, to appoint Public Treasurers, be read the second time.

Read the above-said Bill the second time.

Mr. Starkey proposed several Amendments to the said Bill; and moved, that the House resolve into a Committee of the whole House, to debate on the several Amendments proposed.

Mr. De Rosset moved, that the said Bill lie on the Table.

The question being put, Whether the said Bill lie on the Table for consideration or not? which passed in the negative,

Resolved, That the House resolve into a Committee of the whole House to-morrow, to debate on the Subject-matter of the above-said Bill.

Mr. William Bartram, one of the Members for Bladen County appeared.

The House adjourned till to morrow morning 9. o'clock.

Thursday October 3rd 1751. The House met according to Adjournment.

The Order of yesterday being read, touching the Bill for an additional Act to the several Acts, to appoint Public Treasurers, being committed;

Mr. Starkey moved, that the House resolve into a Committee of the whole House, agreable to the Resolve of yesterday.

The House resolved into a Committee of the whole House, unanimously chose Mr. Francis Stringer Chairman; and then took the subject-matter of the said Bill under their Consideration.

After several Debates thereon, the Committee proposed several Amendments thereto,

Then Mr. Speaker resumed the Chair.

Mr. Chairman reported, that the Committee had proposed several amendments to the said Bill, which were read.

Resolved, That the House agree to the said Amendments.

Ordered, That the said Bill do pass therewith, and be sent to the Council.

Sent the same to the Council, by Mr. Sampson & Mr. Stringer.

Mr. Stringer moved for leave to bring in a Bill, to put in force the several Acts of the General Assembly of this Province concerning Roads and Ferries passed in the year 1715, and 1734, in Craven County, and for repealing the Act passed in the year 1745, so far as relates to the Roads in the said County.

Ordered, That he have leave, and that he prepare and bring in the same.

Mr. Stringer brought in the said Bill, which he read in his Place.

Ordered, That the same pass, and be sent to the Council.

Sent the said Bill to the Council, by Mr. Sampson and Mr. Stringer.

Ordered, That the Bill, to alter the Times for holding the Courts in the County of Craven, be read the third time.

Read the above-said Bill the third time, and passed.

Ordered, That the same be sent to the Council.

Sent the same to the Council, by Mr. Sampson & Mr. Stringer.

Ordered, That the Bill, for building a church at Wilmington, in S^{t} James' Parish, be read the second time.

Read the said Bill the second time, and amended the same.

Ordered, That the said Bill be sent to the Council.

Sent the same to the Council, with the said amendments, by Mr. Sampson & Mr. Stringer.

Received from the Council, the Bill for impowering the Justices of Johnston County, to divide the same into Districts, and to appoint Commissioners for the Roads. Endorsed, In the Upper House, read the second time, and passed, with Amendments.

And the Bill to amend an Act intituled, an Act, for establishing the church, for appointing Parishes, and the method of electing Vestries, and for directing the settlement of Parish Accompts throughout this Government. Endorsed, In the Upper house, read the first time & passed with amendments.

Received a Message from his Excellency, the Governor, as follows, viz.

Mr. Speaker,

In answer to the Address of your House, presented to me on the 14th of April 1749, I must inform you, that the Commissioners appointed for disposing the Monies arising from the Spanish Wreck, never made any Report to me, and I am entirely a Stranger to every circumstance relating to that Affair, since the appointment of the Commissioners.

As to the naval-Office Accompts, I left all the Papers relating to that Office, and a great many others, relating to the Public, and my own private Affairs, at Cape Fear, in the hands of Mr. Hambleton, when I removed to the North; since which time I have used most incessant endeavours to get them from his widow; but have not yet been able to get her to deliver up any one paper, to my great loss on many accounts.

This is not a supposition but a Fact, known to yourself, Sir, and to several Members of both Houses, that no sollicitation of mine has been wanting, to procure the proper Vouchers.

I shall only put you in mind, what Confusion and Disorder prevailed in this Province, from January 1735, to March 1739; which with my residing at Cape Fear, and the seat of Government being at Edenton, made the incidental charges of Government more than double of what

they have been ever since; but I leave it entirely to your House to determine what they think proper to be done on this emergency.

After reading of which, and several debates had thereon:

Resolved, That the same lie for Consideration.

Ordered, That the Bill for granting to his Majesty a duty on the importation of rum and wine into Anson County from South Carolina, be read the second time.

Read the said Bill the second time and amended the same.

Ordered, That the same pass with the said Amendments, and be sent to the Council.

Sent the same to the Council by Mr. M'Lewean and Mr. Bartram.

Ordered, That the Bill, to amend an Act, intituled an Act, for establishing the Church, and for appointing Parishes, and the method of electing Vestries, &c. be read the second time.

Read the said Bill the second time and amended the same.

Ordered, That the same pass with the said Amendments, and be sent to the Council.

Sent the same to the Council by Mr. M'Lewean and Mr. Bartram.

Mr. Clark moved for leave to bring in a Bill for destroying wild Cattle and Hogs, and for taking up wild unmarked and unbranded Horses.

Ordered, That he have leave, and that he prepare and bring in the same.

Mr. Clark brought in the said Bill, which he read in his place.

Ordered, That the same pass and be sent to the Council.

Sent the above Bill to the Council by Mr. M'Lewean and Mr. Bartram.

Mr. Clark moved for leave to bring in a Bill for an additional Act to an Act intituled an Act for impowering the several Commissioners hereinafter-named, to make, mend and repair all Roads, Bridges, Cutts and Water-courses, already laid out, or hereafter to be laid out, in the several Counties and Districts herein-after appointed, in such manner as they judge most useful to the Public.

Ordered, That he have leave, and that he prepare and bring in the same.

Mr. Clark brought in the above-said Bill, which he read in his place.

Ordered, That the same pass and be sent to the Council.

Sent the above Bill to the Council by Mr. M'Lewean and Mr. Bartram.

The House adjourned till to morrow morning 9. o'clock.

Friday October 4th 1751. The House met according to Adjournment.

Received from the Council the following Bills, viz.

The Bill for granting to his Majesty a Duty on Rum and Wine imported into Anson County, from South-Carolina.

And the Bill for appointing Inspectors in New Hanover County, and for regulating the exports at Cape Fear.

Endorsed, In the Upper House read the second time, and passed with amendments.

Received from the Council the following Bills, viz.

The Bill for building a Church at Wilmington, in S^{t} James's Parish, in New Hanover County.

The Bill for an additional Act to an Act intituled, An Act Feme Coverts how to pass lands.

And the Bill for an additional Act to the several Acts to appoint Public Treasurers. Endorsed, In the Upper House, read the second time, and passed with amendments.

Ordered, that the Bill for impowering the Justices of Johnston County to divide the same into Districts &c. be read the third time.

Read the said Bill the third time.

Ordered, That the same pass and be sent to the Council.

Sent the same to the Council by Mr. De Rosset and Mr. Houston.

Ordered, That the Bill to revive an Act intituled An Act to appoint an Agent to sollicit the affairs of this Province, at the several Boards in England, be read the third time.

Read the said Bill the third time, and amended the same.

Ordered, That the same pass and be sent to the Council, with the said amendments.

Sent the above Bill to the Council by Mr. D'Rosset and Mr. Houston.

Mr. D'Rosset moved for leave to bring in a Bill, to appoint Commissioners to build and erect a church in the Town of Brunswick, on Cape Fear River.

Ordered, That he have leave, and that he prepare and bring in the same.

Mr. D'Rosset brought in the above-said Bill, which he read in his place.

Ordered, That the same pass, and be sent to the Council.

Sent the above-said Bill to the Council by Mr. D'Rosset and Mr. Houston.

Mr. Starkey moved, That the House take the Governor's message under consideration, pursuant to the resolve of yesterday.

Resolved, That the same be taken into consideration, which the House accordingly did, and came to the following resolutions, viz.

Resolved, That the Treasurer be directed, and he is hereby directed to suspend bringing any suit against Samuel Johnston Esq^re^ formerly receiver of the Powder money, and impost duties at Port Brunswick, that the Governor may have longer time to produce the Vouchers he mentions in his said Message.

Resolved, That his Excellency the Governor be addressed, to direct the Commissioners appointed to sell such Goods as were saved and taken from the Spanish Wreck, to lay before him, an account of the money arising by the sale of the said Goods.

Sent the following address to his Excellency, in consequence of the above resolve, viz.

MAY IT PLEASE YOUR EXCELLENCY,

This House desire you would be pleased to direct the Commissioners, appointed by your Excellency, to sell such Goods as were saved & taken from the Spanish Wreck, to lay before your Excellency an Account, of the Monies arising by such sale, and the distribution thereof at the next Assembly, and to pay one fourth part of the money arising by the sales thereof to the Public Treasurer, that the fourth part may be applyed by your Excellency, the Council, and General Assembly, agreable to your Excellency's former Appointment.

Received from the Council the following Bills, viz.

The Bill, to alter the times for holding the Courts for the County of Craven.

The Bill, for impowering the Justices of Johnston County, to divide the same into Districts &c. Endorsed. In the Upper House, read the third time, and passed.

Ordered, That the same be sent down and engrossed.

Received from the Council the following Bill, viz.

The Bill, for appointing a place for holding the County Court of Duplin, and to impower the Commissioners hereafter named, to build a Court House, Prison, and Stocks in the said County, and enlarging the Bounds thereof. Endorsed, In the Upper House, read the second time & passed with amendm^ts^

Mr. D'Rosset moved for leave to bring in a Bill, for regulating Pilotage at Cape Fear River, and to impower the Captain of Fort Johnston, at the mouth of the said River, to examine all vessells entering the said River, concerning the health of their Crews on board the said Vessells.

Ordered, That he have leave, and that he prepare and bring in the same.

Mr. D'Rosset brought in the said Bill, which he read in his place.

Ordered, That the same pass, and be sent to the Council.

Sent the above Bill to the Council by Mr. Sampson and Mr. Bartram.

The House adjourned till 3 o'clock Afternoon.

P. M. The House met according to adjournment.

The House adjourned till to morrow morning 9 o'clock.

Saturday October 5th 1751. The House met according to adjournment.

Ordered, That the Bill for an additional Act to the several Acts to appoint Public Treasurers.

The Bill, for building a church at Wilmington, in St James's Parish, in New Hanover County.

The Bill for appointing Inspectors in New Hanover County, and for regulating the exports at Cape Fear River. The last two were amended.

The Bill, to appoint a convenient place for holding the County Court at Duplin, &c.

And the Bill, for granting to his Majesty, a Duty on the importation of Rum and Wine into Anson County, from South-Carolina, which were also amended.

Ordered, That the above five Bills, be sent to the Council.

Sent the same to the Council by Mr. Houston & Mr. Brice.

Received from the Council the following Bills, viz.

The Bill, to amend an Act, intituled, an Act, for establishing the church, appointing Parishes, and directing the method of electing Vestries, and for directing the settlement of Parish Accompts throughout this Government. Endorsed. In the Upper House, read the second Time and passed.

The Bill, to invest the property of a Bridge in John Peacock and his heirs, by him already built &c. for the term of twenty five years.

The Bill, for regulating the Pilotage at Cape Fear, and to impower the Captain of Fort Johnston, at the mouth of the said river, to examine all vessells &c. Endorsed. In the Upper House, read the first time and passed.

The Bill, to impower the Court of Bladen County, to lay out certain Districts in the Places therein mentioned &c. Endorsed. In the Upper House, read the first time & passed with amendmts

The Bill for amending and supplying the Defects of an Act, intituled, an Act to appoint Commissioners in the room and stead of those deceased, to finish the Church at New Bern &c. Endorsed. In the Upper House read the first time & passed with amendmts

And the Bill, to revive an Act intituled, An Act, to appoint an Agent to sollicit the affairs of this Province &c. Endorsed. In the Upper House, read the third time and passed.

Ordered, That the same be sent down and engrossed.

The House adjourned till 3 o'clock Afternoon.

P. M. The House met then.

The House adjourned till Monday morning 10 o'clock.

Monday October 7th 1751. The House met according to Adjournment.

Received the following Bills from the Council, viz.

The Bill, for appointing Inspectors in New-Hanover County, and for regulating the exports at Cape Fear.

The Bill, for an additional Act, to the several Acts to appoint Public Treasurers.

And the Bill, for building a church in New Hanover County. Endorsed. In the Upper House, read the third time and passed.

Ordered, That the same be sent down & engrossed.

And also the Bill, to appoint Commissioners to receive, collect, and apply subscriptions towards building a Church in the Town of Brunswick, &c. Endorsed, In the Upper House, read the first time & passed with amendments.

Received from the Council the following message, viz.

Mr. Speaker & Gentlemen,

Upon reading the Bill to appoint a convenient place for holding the County Court of Duplin in this House, a third time, we find, you have *deled* our amendments with regard to an Alteration made by us, for fixing the Bounds of the said County.

We are sorry you should differ from us, when so many reasons appear on the face of the said Amendments, particularly that of the inconvenience attending the County Courts at Wilmington, and Musters. We must therefore, if you approve thereof, desire your concurrence to our said amendments, and to appoint two of your Members to attend our House, to see the same made, upon which we shall pass the said Bill a third time.

Mr. Starkey moved for leave to bring in a Bill to confirm the four Lots in New Bern Town, lately conveyed to the Commissioners for the Public Buildings, for the use of the Public for ever.

Ordered, That he have leave, and that he prepare and bring in the same.

Mr. Starkey brought in the above-said Bill, which he read in his place.

Ordered, That the same pass, and be sent to the Council.

Sent the above Bill to the Council by Mr. Sampson and Mr. M'Lewean.

The House adjourned till to morrow morning nine o'clock.

Tuesday, October 8th 1751. The House met according to Adjournment.

Received from the Council, the Bill to confirm the four Lots in Newbern Town. Endorsed, In the Upper House, read the first time and passed.

Mr. James Calf one of the Members for Hide County appeared.

Ordered, That the following Bills be read, viz.

The Bill, to appoint Commissioners, to receive, collect and apply Subscriptions towards building a church in the Town of Brunswick &c.

And the Bill, to confirm the four Lots in New Bern Town, lately conveyed to the Commissioners for the Public Buildings, be read the second time. Read the said Bill the second time, & passed with amendmts.

Ordered, That the same be sent to the Council.

And read the Bill to amend an Act, intituled, an Act, for establishing the Church, for appointing Parishes, and the method of electing Vestries, and for directing the settlement of Parish Accompts &c. the third time.

Ordered, That the same pass, and be sent to the Council.

Sent the said Bills to the Council by Mr. Starkey and Mr. Carruthers.

Sent the Council their message of yesterday, regarding the Amendments in the Bill to appoint a convenient Place for holding the County Court of Duplin &c. Endorsed, Concurred with.

And have sent Mr. Starkey and Mr. Carruthers to see the Amendments proposed, inserted.

Ordered, That the Bill to amend and supply the defects of an Act, intituled an Act to appoint Commissioners in the place and stead of those deceased, to finish the Church at Newbern, be read the second time. Read the said Bill the second time, & amended it.

Ordered, That the same pass with the said amendments, and be sent to the Council.

Ordered, That the Bill to invest the Property of a Bridge in John Peacock &c, be read the second time. Read the same a second time, and passed.

Ordered, That the Bill to impower the Court of Bladen County, to lay out certain districts in the Places therein mentioned &c. be read the second time. Read the said Bill the second time, and passed.

Ordered, That the above three Bills be sent to the Council.

Sent the above Bills to the Council by Mr. D'Rosset and Mr. Clark.

Received from the Council the following Bills, viz.

The Bill, to appoint a convenient place for holding the County Court of Duplin &c. Endorsed, In the Upper House, read the third time & passed with amendm^{ts}.

Ordered, That the same be sent down & engrossed.

The Bill, for granting to his Majesty, a duty on the importation of wine and rum, into Anson County, from South Carolina. Endorsed, In the Upper House, read the third time and passed.

Ordered, That the same be sent down & engrossed.

And the Bill, to amend an Act, intituled, an Act for establishing the Church, for appointing Parishes, &c. Endorsed, In the Upper House, read the third time and passed.

Ordered, That the same be sent down and engrossed.

The House adjourned till 3 o'clock in the afternoon.

P. M. The House met according to Adjournment.

Ordered, That the Bill for regulating the Pilotage at Cape Fear River and to impower the Captain of Fort Johnston, at the mouth of the said River, to examine all Vessells &c. be read the second time.

Read the said Bill the second time and amended the same.

Ordered, That the said Bill pass with the said Amendments, and be sent to the Council.

Sent the said Bill to the Council by Mr. D'Rosset and Mr. Clark.

Mr. Starkey acquainted this House, that Mr. Edward Jones, one of the Members for Granville County, is dead, and that Mr. John Swann, late one of the Members for New Hanover County is appointed and qualified a Member of his Majesty's Council.

Therefore moved that his Excellency be addressed to direct the Clerk of the Crown to issue writts for electing Members to serve in this present General Assembly, in the room of the above two Gentlemen.

Resolved, That his Excellency be addressed accordingly.

Sent the following address to his Excellency, viz.

May it please your Excellency,

Mr. John Swann late one of the Members of this House for New Hanover County being appointed one of the Members of his Majesty's honourable Council, and qualified accordingly: And Mr. Edward Jones, late one of the Members of this House for Granville County is dead,

Therefore this House desires your Excellency would be pleased to direct the Clerk of the Crown to issue writs, for electing Members to

serve in this present General Assembly for the said two Counties, in the room of the above two Gentlemen.

By Order. S. SWANN. Speaker.

Samuel Swann Esq^re^ and Mr. John Starkey, the two surviving Commissioners for stamping and emitting the sum of twenty one thousand three hundred and fifty pounds &c. laid before the House their Accompts of the emission of the said sum.

Ordered, That the same be referred to the Committee of Public Accompts for examination, and that they report the same to the House.

Mr. Starkey acquainted this House, that the Sheriffs &c. not having paid the taxes laid by Act of Assembly, towards erecting the Public Buildings in Newbern, occasioned a want of money to carry on the said Buildings, and that he had directed, that the said Sheriffs should be severally sued.

Therefore moved for directions of this House, as to his, and the other Commissioner's conduct in carrying on the said Buildings.

Resolved, That the Commissioners for erecting the said Buildings be directed to suspend any further prosecution in carrying on the said Building, until the next Sessions of Assembly.

Mr. James Calf produced a certificate from Hide County Court, thereby certifying that William Denmark is very much afflicted with sickness, and that he ought to be exempt from doing Public Duties.

Ordered, That he be exempt accordingly.

The House adjourned till to morrow morning 9 o'clock.

Wednesday October 9^th^ 1751. The House met according to Adjournment.

Received from the Council the following Bills, viz.

The Bill, to impower the Court of Bladen County, to lay out certain Districts in the Places therein mentioned &c. Endorsed, In the Upper House, read the second time and passed.

And the Bill, to confirm four Lots in Newbern, lately conveyed to the Commissioners for the Public Buildings &c. Endorsed, In the Upper House, read the second time & passed with amendments.

And the Bill, to amend and supply the defects of an Act, intituled, an Act, to appoint Commissioners in the place and stead of those deceased, to compleat and finish the Church in Newbern &c. Endorsed, In the Upper House, read the second time & passed with amendments.

Ordered, That the Bill, for an additional Act, to an Act, intituled, An Act, Feme Coverts how to pass Lands, be read the third time.

Read the said Bill the third time, and amended the same.

Ordered that the same pass and be sent to the Council.

Sent the same to the Council, with the amendments, by Mr. D'Rosset and Mr. M'Lewean.

The House adjourned till 3 o'clock in the afternoon.

P. M. The House met according to Adjournment.

Ordered, That the following Bills be read the third time, viz:

The Bill to supply the defects of an Act, to appoint Commissioners in the Place and Stead of those deceased, to compleat and finish the Church in Newbern, and amended the same.

The Bill to confirm the four lots in Newbern, lately conveyed to the Commissioners for the Public Buildings, for the use of the Public for ever, & amended the same.

And the Bill to impower the Court of Bladen County, to lay out certain Districts in the Places therein mentioned, and to appoint Commissioners of the roads for the same.

Read the said Bill the third time and passed.

Ordered, That the same be sent to the Council.

Sent the above Bills to the Council by Mr. Houston and Mr. Brice.

Received from the Council the Bill for regulating the Pilotage at Cape-Fear River, and to impower the Captain of Fort Johnston, at the mouth of the said River, to examine all Vessells &c. Endorsed, In the Upper House, read the second time and passed with amendments.

And the Bill, to appoint Commissioners to receive, collect and apply subscriptions towards building a church in the Town of Brunswick &c. Endorsed, In the Upper House, read the second time and passed.

Ordered that the above two Bills be read a third time.

Read the said two Bills a third time & passed.

Ordered, That the said two Bills be sent to the Council.

Sent the above two Bills to the Council by Mr. Houston and Mr. Brice.

The House adjourned for half an hour.

The House met according to Adjournment.

Reported by Mr. Lewis D'Rosset, Chairman of the Committee of Public Accompts, as per Books (A) to which the House agreed.

Mr. Dawson observed that there was the sum of thirty pounds, fifteen shillings, Proclamation Money paid into the Hands of the Committee of Accompts for the old Loan Money, and the sum of nine thousand nine hundred and seventy pounds, two shillings and sixpence old Bills, exchanged for those of the last emission, by the Commissioners for stamping and emitting the sum of twenty one thousand three hundred and fifty pounds Public Bills of this Province, &c. and also the sum of five hun-

dred and twenty seven pounds, fourteen shillings, and four pence, Proclamation money, on the sinking Fund.

Therefore moved, that the said several sums be burnt, and that a message be sent to the Council to desire they will appoint two or more of the Members of their House to be present at the burning of the same.

Resolved, That a message be sent to the Council, pursuant to the above motion.

Sent the following message to the Council, viz.

GENTLEMEN OF HIS MAJ^ties HON^ble COUNCIL,

There appears to be paid unto the Committee of Accompts, the sum of thirty pounds, fifteen shillings, Proclamation money, on Account of the old Loan money; and also, nine thousand, nine hundred and seventy pounds, two shillings and six pence, old Bills, which were exchanged for those of the new Emission; and also the sum of five hundred and twenty seven pounds, fourteen shillings and four pence, Proclamation money, on the sinking fund, which we intend to examine and burn to morrow at eleven of the clock in the Forenoon, and desire you will appoint some of the Members of your House, to see the same done, if you think proper. We also send you herewith, the report of the Committee of Accompts, and have made some alterations therein, to which we desire your Concurrence.

Received the following Bills from the Council, viz.

The Bill, for an additional Act, to an Act, intituled, An Act, Feme Coverts, how to pass Land.

The Bill, to impower the Court of Bladen County, to lay out certain Districts in the Places therein mentioned &c. And

The Bill, to appoint Commissioners to receive, collect, and apply, subscriptions towards building a Church in Brunswick &c. Endorsed, In the Upper House, read the third time and passed.

Ordered, That the same be sent down & engrossed.

The House adjourned till to morrow morning nine o'clock.

Thursday October 10^th 1751. The House met according to Adjournment.

Mr. Thomas Lovick, Chairman of the Committee of Claims, reported that the Committee had allowed several Claims, to sundry Persons, and submitted the same to the House.

After making some alterations therein, the House concurr'd thereto.

Ordered, That the same be sent to the Council, for their Concurrence.

Received from the Council the following Bills, viz.

The Bill to amend and supply the defects of an Act, to appoint Commissioners in the place & stead of those deceased, to compleat and finish the church in Newbern.

The Bill, for regulating the Pilotage at Cape Fear River, and to impower the Captain of Fort Johnston at the mouth of the said river, to examine all Vessells &c.

The Bill, to confirm the four Lots in Newbern, lately conveyed to the Commissioners for the Buildings, for the use of the Public for ever.

Endorsed, In the Upper House, read the third time, and passed.

Ordered, That the same be sent down & engrossed.

And the Bill to invest the property of a Bridge in John Peacock, &c. Endorsed, In the Upper House, read the second time and passed.

Ordered, That the Bill to invest the Property of a Bridge in John Peacock and his heirs &c, be read the third time.

Read the said Bill the third time and passed.

Ordered, That the same be sent to the Council.

Sent the said Bill to the Council.

Sent the Report of the Committee of Claims to the Council for their Concurrence, and also the following Message, viz.

GENTLEMEN OF HIS MAJESTY'S HON^ble^ COUNCIL,

We herewith send you the report of the Committee of Claims, and have made several alterations and additions therein, to which report, alterations and additions, desire your Honours Concurrence, & that you'll send the same back, that the Clerk may make an estimate therefrom.

By Order. S. SWANN. Speaker.

Received from the Council the following Message, viz.

MR. SPEAKER, AND GENTLEMEN,

In answer to your Message by Mr. Bartram and Mr. Clark, about burning the Bills therein mentioned, we have appointed the honourable James Murray and Francis Corbin Esq^rs^ Members of this House, to examine the said Bills, and to see the same burnt, as to the Paper you have sent up, and are pleased to call a Report of the Committee of Accompts, it does not appear to us to be a proper Report of that Committee, as the Members of this House, Appointed by us of that Committee, have not signed the same; we must therefore desire your Concurrence in ordering the several Accomptants, to lay their Accompts before our Committee for their Report, before we can concur with you.

Ordered, That the following Message be sent to the Council, viz.

GENTLEMEN OF HIS MAJ^tie's^ HON^ble^ COUNCIL,

We are much surprized that you should in your Message of this day, make an Objection to the Report of the Committee of Public Accompts, because your Members had not signed it; which not being done by them, after the Committee had gone thro' an examinatian of the said Accompts, in which the Members appointed by your House assisted, and had drawn up the said Report, the said Committee imagined your said Members did not think it necessary to put their names to the said Report, as they did neither refuse nor agree so to do; but as we are informed that our Committee were satisfied with the Justice & regularity of the said Accompts so to be reported; nevertheless to take away all cause of difference between the two Houses of Assembly, we have ordered the Accomptants to lay their Accompts before any Committee you shall appoint for that purpose, and will not now examine the regularity of such a proceeding.

By Order. S. SWANN. Speaker.

Sent by Mr. M'Lewean and Mr. Clark.

The House adjourned for half an hour.

The House met according to Adjournment.

Mr. Starkey moved, that his Excellency the Governor be allowed the sum of one hundred pounds, Proclamation Money, for Expresses and other incident charges of Government to this time; and that the Claims now allowed, and the estimates of the expenses of this Session of Assembly, be paid out of the money now remaining in the Public Treasury.

Resolved, That this House do allow the said one hundred pounds to his Excellency, for the purposes above said, and that a message be sent to the Councill for their Concurrence.

Sent the following Message to the Council, viz.

GENTLEMEN OF HIS MAJ^tie's^ HON^ble^ COUNCIL,

This House, have resolved, that one hundred pounds, Proclamation Money, be paid to his Excellency the Governor, for Expresses and incident Charges of Government to this time, and that the same, together with the Claims now allowed, and the estimates of the expences due to the Members of both Houses, and the Officers thereof, this Session of Assembly, be paid by the Treasurer out of the Monies now remaining in the Public Treasury, & desire your Honours concurrence thereto.

By Order. S. SWANN. Speaker.

Sent by Mr. Houston & Mr. Kearney.

Received the following Bill from the Council, viz.

The Bill, to invest the Property of a Bridge in John Peacock and his Heirs, &c. by him already built over Contentney Creek, in Johnston County &c. Endorsed, In the Upper House, read the third time, and passed.

Ordered, That the same be sent down & engrossed.

The House adjourned for half an hour.

The House met according to Adjournment.

Received from the Council the following Message, viz.

MR. SPEAKER, AND GENTLEMEN,

In answer to your Message relating to the Claims, we must observe, that as no Notice was given to our Members, that they might meet yours on the Claims which you have now sent, so they could not sign the same; and as we think it no proper Report, we therefore request you will order all the Vouchers relating to the said Claims, to be laid before such Members as we appointed to meet yours, that a proper Report may be made for the Concurrence of this House.

Sent the following Message to the Council, viz.

GENTLEMEN OF HIS MAJ^tie's HON^ble COUNCIL,

In answer to your Message relating to your Members not having Notice given them to meet the Committee of this House on the Public Claims, the said Committee informs this House, that Notice was given to the Members appointed by you, to join the said Committee, and that at times they attended the said Committee. As to your Members not signing the Report, the same hath often happened and no exceptions taken thereto. We observed in our last Message, we would avoid every trifling occasion of quarrelling with your House, we have therefore ordered the Clerk of the Committee of Claims, to lay the several Vouchers of the same, which have been reported by them, and allowed by this House, before such of your Members as you shall appoint.

By Order. S. SWANN, Speaker.

Sent by Mr. Houston and Mr. Dawson.

The House adjourned for half an hour.

The House met according to Adjournment.

The House adjourned till to morrow morning 9 o'clock.

Friday October 11^th 1751. The House met according to Adjournment.

Received from the Council the reports of the Committees of Accompts and Claims, and also the resolve of Yesterday; which were sent from

this House for their Concurrence. Endorsed. In the Upper House, read and concurred with. MAT. ROWAN, P. C.

And also received from the Council, the Estimate of the Wages, expenses, and ferriages of the Council, for the Concurrence of this House, which this House sent back. Endorsed, Concurred with.

The House adjourned till to morrow morning 8 o'clock.

Saturday October 12th 1751. The House met according to Adjournment.

Mr. Sampson moved, That as the surviving Commissioners for the stamping and emitting the sum of £21350. Public Bills of Credit, at the rate of Proclamation money have rendered their Accompts of the said Emission to the satisfaction of this House, the Bills remaining in the chest after the end of Session, may be lodged in the hands of the Public Treasurers of the Southern district, and the said Commissioners be discharged from the same.

Resolved, That the said Commissioners have made up their Accompts to the satisfaction of this House, and that the Bills remaining in the chest, after the payment of the estimate of the Claims, & expence of the Assembly allowed at this Session, be lodged in the hands of the Public Treasurer of the Southern District, and that the said Commissioners be discharged of the same; and further, that on the exchanging and payments out of the said Surplus, the said Treasurer be allowed one per Cent. and no more.

Resolved, That a Message agreable to the above resolve, be sent to the Council for their Concurrence.

Sent the following Message to the Council, viz.

GENTLEMEN OF HIS MAJtie's HONble COUNCIL,

As the surviving Commissioners for stamping and emitting the sum of £21350. Public Bills of Credit of this Province, at the rate of Proclamation money, have made up their Accompts of the emission of the said Bills, to the satisfaction of this House, which Accompt hath also been concurred with, by you,

This House have therefore resolved, That the Bills remaining of the said emission in the Chest, after payment of the said estimate of the Claims and expense of the Assembly allowed at this Session, be delivered into the hands of the Public Treasurer of the Southern District, and that the said Commissioners be discharged of the same; and further, that on the exchanging and payment out of the said Bills, to be delivered him as aforesaid, he be allowed one per cent. and no more.

By Order. S. SWANN, Speaker.

Resolved, That the sum of £41 17^{s} 3^{d} Proclamation money which was paid into this House by the Chairman of the Committee of Public Accompts, and by them received on Account of Powder money, and other old debts as by their Report, be paid to the Public Treasurer of the Southern District.

The same is accordingly paid to him, and by him received before the House.

Received the above Message from the Council. Endorsed, In the Upper House, read and concurred with,

MAT. ROWAN. P. C.

His Excellency the Governor sent a Message to this House, commanding their immediate attendance in the Council Chamber, with what Bills are engrossed.

Mr. Speaker and the House waited on his Excellency the Governor in the Council Chamber, and Mr. Speaker presented to his Excellency the following Bills, viz.

The Bill, to alter the Times for holding the Courts for the County of Craven.

The Bill, for impowering the Justices of Johnston County to divide the same into Districts. &c.

The Bill, to revive an Act, intituled, An Act, to appoint an Agent to sollicit the affairs of this Province, at the several Boards in England.

The Bill, for appointing Inspectors in New Hanover County, and for regulating the Exports of Cape Fear.

The Bill, for an additional Act, to an Act, to appoint Public Treasurers.

The Bill, for building a church at Wilmington, in New Hanover County &c.

The Bill, for appointing a Place for holding the Court for the County of Duplin.

The Bill, for granting to his Majesty, a duty on the exportation of wine and rum into Anson County from South Carolina.

The Bill, to amend an Act, intituled, an Act to establish the Church &c.

The Bill, for an additional Act to an Act, intituled, an Act Feme coverts how to pass land.

The Bill, to impower the Justices of Bladen County, to lay out certain Districts in the Places therein mentioned &c.

The Bill, to appoint Commissioners to receive, collect, and apply subscriptions towards building a Church in Brunswick &c.

The Bill, to amend and supply the defects of an Act, to appoint Commissioners in the place and stead of those deceased, to compleat and finish the Church in Newbern.

The Bill, for regulating the Pilotage of Cape Fear river, and to impower the Captain of Fort Johnston, at the mouth of the said river, to examine all Vessells &c.

The Bill, to confirm the four lots in Newbern, to the Commissioners for the Public Buildings, for the use of the Public for ever.

The Bill, to invest the property of a bridge in John Peacock, his heirs &c. by him already built over Contentney Creek in Johnston County, for the term of twenty five years.

To all which Bills his Excellency was pleased to assent. And then prorogued this Assembly, to the Second Tuesday in February next, to be then held at Newbern.

Mr. Speaker with the House returned & pronounced the Prorogation accordingly.

1752.

[B. P. R. O. North Carolina. Am: & W. Ind: No. 593. Vol. 66.]

THE SPANISH WRECKS.

A Narrative of the Proceedings in North Carolina in America relating to the Spanish Wrecks in the year 1750.

On or about the 3rd September 1750. a Spanish Ship called Nuestra Senra de Guadalupe of the Burthen of about 500 Tons whereof Don Juan Manuel de Bonilla was Commander and Supercargoe, was by distress of extreme bad weather in a most shattered and dangerous condition forced into Ocacock River in the said Province Two of her Consorts having been just before drove on the neighbouring Coast, and in spite of all the assistance which could be sent to them by the Civil Magistrate plundered by the Bankers: being a people so called from their inhabiting near the banks of the sea shoar.

The Governour thus experiencing the Weakness of Civil Power, in having vainly endeavoured to enforce the necessary orders and directions for their assistance; and being informed of a Villanious Confederacy which the said Bankers were entring into to plunder the abovementioned ship, was obliged to have recourse to Stratagem and Policy, For having no regular Troops and the Militia being chiefly composed of those very

people, It would have been absurd and fruitless to have summoned them to his assistance.

From the said 3rd September to the beginning of October the Spanish Captain had neither waited on, wrote to, or otherwise applied himself to the Governour concerning his Intentions or the desperate condition of his Ship. and the danger still increasing For the Bankers considering the number of Men on Board the Spanish Ship had used all means to strengthen themselves; and had even drawn into their party great Numbers under a Persuasion that such their Attempt would be even founded on Justice and well warranted by the great losses and injuries which their Country had then lately received from the two Spanish Privateers; which six weeks after the time limited for cessation of Hostilities in America had sailed up Cape Fear River in the said Province, firing upon the Plantations, landing their Men, destroying houses Goods and taking away Negroes to a very great value, an authenticated representation and estimation whereof has been long since transmitted to the Spanish Court and is still depending for Reparation.

This being the state of affairs the Governour dispatched a Member of his Majesty's Honble Council in the said Province to Captain Bonilla to inform him of the danger and to offer him assistance. At the same time giving private Instructions to the said Counsellor in order to counterplot the Bankers. And it being necessary to get the most certain particular Intelligence of their Designs he was instructed by promises bribes or otherwise to bring over some principal person in Confederacy and to take the necessary measures for protracting by false suggestions or by other methods that might occur the Execution of their wicked design Hoping so to amuse and delay them from time to time 'till his Majesty's Ship of War appointed for that Station which had been secretly sent for by various expresses into South Carolina should arrive.

But this was not the only danger that threatened the Spaniards for not having made any Report to, or taken the least Notice of any one Officer in the Province, and the said Spaniards having contrary to all Treaties and Usuages and without any permission whatever broke Bulk and twice unladen and as often reladen the said Ship and occasionally trading with other vessels that passed backward and forward had subjected the said Ship and Cargo to seizure; and this being reported to the Officers of the Customs they resolved to seize her accordingly, and for that purpose applied themselves to the Governour for his countenance and permission, which the said Governour not only refused but endeavoured to dissuade them from Representing, that such an Act might probably prove the means of obstructing a good understanding at that time form-

ing itself between the two Nations, and perhaps turn out to be contrary to the Treaties which were then negociating between them. Which was a Part so much the more generous in the Governour to act as by having remained only passive in the affair he would have been intituled to one full Third of the Condemnation.

But these Remonstrances did not satisfy those Officers, For being thus disappointed from the Governour they applied to the Surveyor General of the Customs at that time in Virginia. And having reported to him the proceedings of the Spaniards He readily approved their design and gave them instructions accordingly to seize the ship which the said Governour informing himself of, did, to be beforehand with them, take her into his own Custody and Protection; and the Man of War soon after arriving their design was by these means defeated. Notwithstanding which, they had afterwards the Resolution to go on board and even to take a formal Possession of her in the Name of Seizure, thō to no purpose, as it fortunately proved.

Cap^{t} Bonilla being sensible of and probably in gratitude for the good offices of the Governor and of the extraordinary trouble and great expences which he had been put to in the preserving the said Ship and Cargo did by a certain writing dated 23rd Oct: 1750. dictated by himself through his Interpreter and in every legal respect duely executed promise and engage himself to pay to the Governour Commissions on the said Effects so protected and preserved by his Excellency as aforesaid. And being also at that time in great danger from the sedition and mutiny of his Men and his said Ship being in no condition to putt to sea, did, by the said writing petition his Excellency to direct his Majesty's said Ship of War to transport the said Cargo to Europe, for which the said Bonilla did promise to pay to the Captain thereof the usual and accustomed Freight in like Cases. And to which the said Governor in regard of their perilous, unhappy situation and to give them a further and more manifest Proof of his disposition to assist and releive them by all means in his power did consent: and immediately give the necessary orders and directions for that Purpose—

And with respect to the adjustment of the said Commissions so promised by the said Cap^{t} Bonilla to be paid to the Governor as aforesaid— The same were settled and adjusted in Concert with the said Bonilla himself, and did by his own calculation amount to 11,444½ pieces of Eight at 4½ ℔ cent exclusive of the said freight And which said sum was so far from being secretly or by force taken as has been unfairly and untruely suggested that it was by Cap^{t} Bonilla's consent in the presence of his own Scrivan, sent on board the Man of War for that purpose,

deducted and paid to the Governor's use as aforesaid. And which was so acknowledged by the Governor himself in a written Representation thereof to the Spanish Court signed by his Excellency and given under the broad Seal of that Province, and by me delivered into the hand of the said Spanish Scrivan to be by him transmitted thereto.

And as to the particular application of the said Commissions The Governor is so far from possessing the full value thereof that he has not retained to himself above 5500 Dollars as a Gratification for those his generous, important, good Offices above mentioned. But the remainder to my Belief was applied first to the payment of all real charges and Expences incurred in the said services and afterwards to the satisfying of such persons as had been instrumental with the Governor in preserving the said Ship and Effects as afores^{d}. And this was absolutely necessary to be done as the said Governor had made himself liable to the legal demands of such persons for the same having previously engaged himself in writing not only to reimburse them all charges and expences, but to gratify them for their Services in the premises.

It must therefore be owing to misinformation or misapprehension of the true state of this case that a Reclaim of the said Commissions is now made. For it would be immeasurably hard upon the Governor to refund his own trifling Gratification for such considerable important services done. And much more so, if possible, to be obliged to make good, out of his own pocket the remainder actually disbursed in the service and for the benefit of those who reclaim it, and without which no one would have concerned himself in the affair, or have ventured to put himself to much Trouble and some Expence with the prospect only of having his own labour for his Pains. And I will venture to add, that in this matter the unfortunate Spaniards met with that protection and assistance thrō the generous Interposition of the Governor and some few active Gentlemen in North Carolina which they could not reasonably have expected to find in a Country so composed as it chiefly is of a set of indigent desperate Outlaws or Vagabonds And which perhaps are equal to any acts of Humanity and Generosity that in like cases were ever exercised towards Strangers or even Countrymen, in the most orderly and civilized Governments.

The above is a fair, just and true Relation of the Proceedings in North Carolina relating to the said Ship Nuestra Sen^{ra} de Guadalupe in particular, and can be proved by various Attestations by Gentlemen of unexceptionable Characters. THO: CHILD.

His Majesty's Attorney Gen^{l} of N^{o} Car:

Westminister 25th Feb^{ry} 1752.

Paragraph of Governour Johnstons letter of Sep^{br} 18th to Mr. Abercromby Agent for North Carolina relating to the Spanish Flota cast away on the Coast of North Carolina. (1750)

I send you by this Conveyance a Duplicate of the Account I have sent to the Duke of Bedford of the loss of the Spanish ships on this Coast last August you may further inform his Grace that the Captain of the Ship at Ocacock has purchased a new ship built in this Province of 150 Tons Burthen of one Captain Darling for 1000 Pistoles But whether he intends to put his Cargo on Board this new ship or to reship it on the old one which has only lost her masts and rudder or whether he will divide his Cargo between them I have not yet learned. The old ship is at anchor within the Bar and the Cargo safely housed on the Island of Ocacock under a guard of their own People. I have had some of our Custom House Officers with me who desired leave to seize the ship and cargo because she had most openly infringed the Laws of Trade because she has not only brought ashore her Cargo without a permit from any Officer but has likewise trafficked with a good deal of it and for Things that are not necessarys. All this I knew to be certainly true as well as they but as I knew the cargo of the Spanish Flota belongs in a great part to his Majesty's Trading subjects and the French and Dutch I told them not to presume to meddle with it but to suffer them to take their own Way to save and carry home their Cargo. That if they (the Spaniards) applyed to me either for Protection or assistance I should be ready to grant it to them, but until they did I should take no manner of Notice of them. They have been now on shore a whole month without making any application I dont know how my Behaviour may be judged of at home But I believe I may safely affirm that every Governor who is £12000 in arrear in his Salary would not have behaved so abstemiously when the Laws of Trade would have justified his seizure

Sep^{br} 20. P. S. I have just now received advice that your old friend Tom Wright of Charlestown is among the Spaniards at Ocacock incognito That he is their great Oracle and that it is he who advises them not to take any notice of this Government But has advised them to carry their cargo on different Bottoms to Charlestown where I dont doubt you will hear of a fine scene.

An Account of five Ships of the Spanish Flota put on Shore on the Coast of North Carolina by the great storm August 18th 1750.

One at Currituck Inlett stove to pieces the Crew and passengers saved, went to Norfolk in Virginia without stopping in Carolina.

One at Cape Hatteras sunk in 14 foot water the name of the Ship its Dimensions and Loading unknown.

A Dutch built Ship at Ocacock lost its Rudder and had its Mast broke short, all its Crew safe, her Cargo 400:000 pieces of Eight, besides a great Quantity of Cochineal and Hides.

At Drum Inlett a Ship which lost its Riggin and Masts, Neustra Signora Desoledad, the Cargo reckoned worth 32.000 pieces of Eight besides the Ship. The Officers and Men who came ashore, have taken a passage for themselves and cargo to New England from whence they design to proceed to Cadiz.

Near Topsail Inlet a Vessel named El Salvador or El Henrico was stove to pieces and is now covered with 7 or 8 feet sand, four of her Crew only saved her Loading 240:000 pieces of Eight Registered besides what is on private Account, besides a large Quantity of Cocoa Cochineal and some Balsom.

This is the Account given to the Governor of North Carolina by Don Joseph De Respral Deza, part owner and Super Cargoe of the Neustra Signiora de Solidad who at the same time complained to the Governor of the Master and Crew of a Bermudas Sloop who had taken possession of the sails and part of the rigging which had come on shore from the Wreck of the El Salvador and the said Super Cargo verily believes has got possession of some Chests of Money, upon which the Governor Immediately Issued his Order for the apprehending the said Master & Crew and Securing their Sloop.

The Ship at Ocacock has unloaded her Treasure & Cargo on Ocacock Island, several little Vessels have gone down to Barter with them for provisions. They have not as yet met with any Molestation, nor made any application to the Governor. GAB JOHNSTON

Sep^{tr} 18 1750.

The Account of the Spanish Wreck on the Coast of North Carolina. Continued

When the Governor met His Majesty's Council on the 25th of Sept^{r} at Newbern, The first thing He did was by their consent to send down Colonel Innes a member of Council, and who was well acquainted with the Spanish language and methods of Trading, to enquire into their circumstances, and make Report of what was necessary to be done for preservation of the Register Ship Neustra Segniora de Guadalupa then lying in distress at Ocacock, and whose Cargo was worth 1000000 pieces of Eight; And what their Reasons were for not applying to the Governor,

for they had now been Thirty Days on Shore without making the least Application to any Body, though they were frequently told it was Their Duty to do so, The information He received on His way to Newbern gave Him Reason to suspect that the Bankers (a set of People who live on certain sandy Islands lying between the Sound and the Ocean, and who are very Wild and ungovernable, so that it is seldom possible to Execute any Civil or Criminal Writs among them) would come in a Body and pillage the Ships, what confirm'd Him in these apprehensions was that several Parties of Spaniards in the year 1747, during the Summer, had in small Vessels Landed in several different Places among these very Bankers, and killed all their Cattle and Hogs, and done a great deal of mischief, and in October 1748 after the time limited by the Treaty of Aix was expired a small Squadron from the Havannah had entered Cape Fear River and ruined and Destroyed the Town of Brunswick, to prevent therefore their executing the Revenge which they threatened, after taking all proper Measures within the Country to stop the first rising, He sent orders to the Commander of His Majesty's Ship the Scorpion to come to Ocacock, and lye along the side of the said Register Ship, and to protect Her from all Insults, for this purpose He sent Three different Expresses to the Captain, but it unluckily happened, that the last only came to the Captains Hand, after which He set Sail immediately, But before He could arrive and Colonel Innes got down to Ocacock (which is eighty miles distant from Newbern) The Spaniards, who as We afterwards understood were very Mutinous had fallen out among themselves, and had very Imprudently put on Board two North Country Sloops who came in there Accidentally, and whose Masters were intirely Strangers to them 106 Chests of money and thirty Bags of Cochineal The consequence of this wild Step and their behaviour afterwards cannot be better Expressed than in the Petition the Captain presented to the Governor some Weeks afterwards; A Copy of which follows.

To his Excellency Gabriel Johnston Esq^{r} Governor and Comander in Chief In and Over the Province of North Carolina and Vice Admiral of the same.

The Humble Petition of Don Juan Manuel De Bonilla Sheweth

That after your Petitioner had got into Ocacock with the loss of His Masts and Rudder, He found that by the Intrigues and Artifices of Pedro Roderiguez Boatswain of the said ship His Men very mutinous and ungovernable, that the said Boatswain having got most of the Men on His side and under Pretence of going to Virginia forced your Peti-

tioner to put on Board two Sloops from the Northward which came into the Port and were entire Strangers to him above 100 Chest of Plate and Thirty Bags of Cochineal without any Bill of Lading or Receipt for such a Valuable Cargo.

That when Your Excellency was pleased to send Colonel Innes to enquire into the State of Our affairs and to make Report to Your Excellency, He the said Colonel expressed to Your Petitioner, His fear that the Masters of those Sloops would run away with the Cargo, and offered to take Possession of them and carry them up the River for their greater security which Your Petitioner heartily approved of, But the said Boatswain backed by most of the Crew told Your Petitioner that He would not suffer the Money to be moved, upon which Your Petitioner was forced to desist. That when Your Petitioner was coming up to wait upon Your Excellency by the advice of Colonel Innes He Ordered the Boatswain who in His absence had the Comand of the Ship, to unbend the sails of the Two Sloops and to clap Ten Men on board of each of them both which he neglected to do

That on Tuesday the 9th of October at Noon day both Sloops cut their Cables in order to go to Sea, but one of them getting a ground the Boatswain let the other Escape 'thō she was a dull Sailer and had not Ten men on Board while the Boatswain had the Comand of fifty Men

That Your Petitioner now the Bad Weather is coming on and his Men so mutinous, is under great apprehensions that the Remainder of the Plate, and Cochineal will be either lost or embezzled.

Your Petitioner Therefore humbly Prays Your Excellency to take the Premises into Your Consideration, and to direct His Majesty's Sloop the Scorpion to take on Board the remainder of the Plate and Cochineal, and to Transport the same to Europe for which He agrees to let Your Excellency have a Reasonable salvage, And the Captain of the Scorpion the usual and accustomed Freight. and Your Petitioner &c.

In Compliance with this Request the Governor gave necessary Orders, and the Captain of the Sloop has informed Him by a Letter from Ocacock Bar, that He has taken on Board the Captain of the Register Ship with fifty Chests of Dollars, and thirteen Bags of Cochineal, and a few other small matters, The Sloop that got away has carried off all the rest of this Valuable Cargo, Expresses have been sent to the West India Islands, and to the northern and Southern parts of the Continent, to give Notice of this Robbery, and likewise Two Schooners well Man'd and Arm'd, to Search the Coast least they should be lurking some Creek there.

This is a true Account of what happened on this Occasion, and I shall reckon myself very happy if my Conduct is approved of by your Grace. GAB JOHNSTON

Edenton Novr 17 1750.

My Lord [the Duke of Bedford]

I take the Liberty to transmitt to your Grace a further account of my proceedings with regard to the Spanish Register Ship called Neustra Signiora de Guadalupe Lying at Ocacock, on the truth of which you may absolutely Depend

I Thought it safest on this occasion not to putt the Laws of Trade strictly in Execution against the Spaniards, tho they Had transgressed them all, Because I did not know how far it might Embroil matters Between his Majesty, and the Court of Madrid, Besides I thought it would be Cruel to take Advantage of the Ignorance and obstinacy of the Spanish officers and their Crew to the prejudice of His Majestys and several other princes subjects, to whom most of that Treasure and these effects I am sensible belonged.

Your Grace I hope will give me leave to observe, that my Conduct in this affair has been very prejudicial to the present Distressed condition of my private affairs, when there is at this time Twelve year of arrears of Sallary Due to me, when I could have justified by all the Laws of Trade, and the treaties between the two crowns to have Seized the whole Cargo and Ship and to have Converted it to my own use, I only studied How to act the just and Humane part as what I thought would be most acceptable to His Majesty.

In short I have taken care that none of the Spaniards Have received the Least Hurt or Injury from any of His Majesty's subjects under my Goverment, It was not in the power of man to prevent their plagueing and Injuring one another, and fooling away the largest part of a valuable Cargo; whatever Has been saved is owing to the Care and application of His Majesty's Officers Here, I Have by this Conveyance sent a Duplicate of the State of the Currency in this province and remain with Great Respect

Your Grace's Most, &c.,

Edenton Novr 18 1750 GAB JOHNSTON

My Lord, [the Duke of Bedford]

I am infinitely indebted to your Grace's goodness in informing Me of His Majesty's approbation of my conduct with regard to the Spaniards stranded on this Coast.

These unhappy men continued near forty Days in the Harbour of Ocacock before they made any Report to me, or any other Officer in this Province, during which time they traded with the Vessels which went backward and forward for several thousand pieces of Eight, and unladed the Galleon twice, and reloaded Her as often; By thus breaking Bulk and disposing of the Cargo without the Permission of any Officer They had incurr'd the Penalty of the Laws of Trade and both Ship and Cargo ought to have been condemned by a Court of Admiralty, of this the inferiour Officers of the Customs were so sensible, that they made several attempts to sieze Her, One of them in particular went to Mr. Randolph the Surveyor General of the Customs in North America, to Virginia where he resides, and brought an Order to seize Her immediately; but I had taken my measures so surely, by sending for His Majesty's Sloop the Scorpion, that I put it out of their Power to carry their designs into Execution, If I had been but passive in this affair neither the ship nor Effects could have escaped being forfeited, and without being at all seen in this Matter, or stirring one step in it, I had been lawfully possessed of one third of Both, which I hope your Grace will consider as no small Sacrifice for a Person in my unhappy situation.

The sending Expresses by Land to the North and South, and fitting out, Manning, and Victualling two Ships to go in quest of the Pirate, and a great many other steps we were obliged to take, occasioned a very considerable Expence, the Account of which was settled by Captain Bonilla on one side and Mr. Child our Attorney General, and Colonel Innes on the other, at Cape Fear about 225 Miles from my residence.

The Captain complains that they exacted too much from Him; But as they were chiefly Instrumental in saving the remaining part of the Cargo, and shipping it on Board of the Sloop of War, they think their Demands very moderate, but I shall not trouble your Grace with a particular detail of this affair, as Mr. Child is now on His way to London, and will fully inform your Grace of the whole transaction.

I am, with the greatest Respect,

My Lord your Grace's most, &c.,

Edenton May 2^{d} 1751. GAB JOHNSTON

May it Please Your Grace. [the Duke of Bedford]

In obedience to His Majesty's Commands Signified to Us by Your Grace's Letter of the 4th of March 175$\frac{0}{1}$. Representing that your Grace having informed the King that Major General Wall, the Spanish Minister Plenipotentiary had delivered to your Grace by Order of his Court

Several Papers in Spanish, Stating the Particulars of the loss of their Frigate La Neustra Senora de Guadalupe, upon the Coast of North Carolina, and complaining of the Conduct of the Gov^{r} of that Province, First in having Enacted a Salvage of 4 & ½ ℔ Cent for the whole Lading of the Ships, whereas (as they alledge) for the Silver that is brought from the English Colonies on board of the Spanish Vessels on account of such like Accidents of Ships being forced on the Coast by Shipwrecks, His Catholick Majesty's Ministers do receive Nothing for themselves. And secondly for having afterwards taken by Violence out of the Sloop of War the Scorpion, (that had been laden with the remaining part of the Silver & Cochineal, in order to carry them from thence to Cadiz) the Sum of 16275½ heavy Dollars, as well for the Freight of the Ship at the Rate of 2 ℔ Cent, as for the payment of the Salvage insisted upon, His Majesty having directed Your Grace to transmit the said Papers to Us, together with their Several Translations, (all which Papers and Translations are herewith returned) to the End that We may consider thereof & Report Our Opinions to Your Grace, whether any & what Salvage may be demanded in the Case in Question, & if any can, whether it may be Stopped out of the Cargo in the manner complained of by the Spaniards & as the detention of the Money for the Freight, makes another part of the Charge, Your Grace likewise desires we would inform you, what is usually & Legally practised upon such Occasions, between Trading Nations.

We have taken the same into Consideration & are humbly of Opinion, that no Salvage is due under the Circumstances therein stated, Except in consideration of, & as a Recompense for the actual Labour and Expence of Saving. And the Governour of North Carolina as Governour ought not to demand any Duty or Gratification whatsoever to himself upon that Account.

As to the 2 ℔ Cent taken for Freight, We observe that the Consulado in their Letter to Mons^{r} de l'Ensenada do not object to the Quantity but only complain that part of the Cargo was detained to pay it. As to which we think the Cargo is in the Nature of a Pledge for the Freight, & not to be delivered till Freight is paid, & therefore if no more was detained on that Account, than what was really due, this part of the Complaint don't seem to be Material

All which is humbly Submitted to Your Grace

G. PAUL W. MURRAY

4th June 1751. D. RYDER

Gov^{r} of N^{o}. Carolina. WHITEHALL 13th June 1751

SIR,

Having referr'd by His Majesty's Orders, To the Advocate Attorney and Solicitor General, the Complaints of the Court of Spain upon the Salvage exacted from the Subjects of that Crown on Account of the late Wreck upon the Coast of North Carolina, I transmit to you herewith their report thereupon by which it appears that no Salvage is due under the Circumstances therein stated, except in consideration of and as a Recompence for the actual Labour and Expence of saving, and that you as Governor ought not to have Demanded any Duty or Gratification whatsoever to yourself upon that account.

As it is His Majesty's Pleasure therefore that full Restitution should be made to the Spaniards of whatsoever shall have been illegally exacted from them upon this occasion, you will use your utmost Endeavours to recover the same & have it deposited in safe Hands till such time as you shall receive His Majesty's further Orders in order to restore to the Spaniards whatsoever you or any Persons under your Government shall have unwarrantably exacted from them.

[TRANSLATED FROM THE ORIGINAL IN THE ARCHIVES OF THE MORAVIAN CHURCH, SALEM, N. C.]

Letter from Bishop Spangenburg. EDENTON Sept 12th 1752

Were I to tell you how I found it in N. C. I must say it is all in confusion. The Counties are in conflict with one another, so that not only is the authority of the Legislature weakened, but also that of the magistrates.

The cause of this as well as I can learn from both sides, seems to be the following.

When the colony was still small and weak the older counties were allowed to send five men to the Assembly. This arrangement continued a long time. When the colony had grown much stronger, each county was allowed to send only 2 men apiece to the Assembly. The Counties affected by this law, increased in number until they had a majority in the assembly and then they passed a law bringing the older counties under the same arrangement with themselves, viz, two men only to represent the county. The older counties hereupon much irritated, refused to send any representatives at all, but dispatched an agent to England with a view of haveing their rights restored to them. Meanwhile untill this matter is decided they will not acknowledge any act of the assembly. There is therefore in the older counties a perfect anarchy. As a result, crimes are of frequent occurrence, such as murder robbery &c.

But the criminals cannot be brought to justice The citizens do not appear as jurors, and if court is held to decide such criminal matters no one is present. If any one is imprisoned the prison is broken open and no justice administered. In short most matters are decided by blows. Still the County Courts are held regularly and what belongs to their jurisdiction receives the customary attention.

The Inhabitants of North Carolina may be divided into two classes. Some are natives of the State, these can endure the climate pretty well, but are naturally indolent and sluggish. Others have come here from England, Scotland, & from the Northern Colonies some have settled here on account of poverty as they wished to own land & were too poor to buy in Pennsylvania or New Jersey Others there are again who are refugees from justice or have fled from debt; or have left a wife & children elsewhere,—or possibly to escape the penalty of some other crime; under the impression that they could remain here unmolested & with impunity.

Bands of horse thieves have been infesting portions of the State & pursuing their nefarious calling a long time.

This is the reason North Carolina has such an unenviable reputation among the neighbouring provinces. Now there are many people coming here because they are informed that stock does not require to be fed in the Winter Season.

Numbers of Irish have therefore moved in, but they will find themselves deceived because if they do not feed their stock in the winter they will find to their cost that they will perish.

We are how ever informed that in other localities people of quite a different character are to be met with—efficient and energetic & industrious in their habits. Of this we shall know more by & by.

P. S. [1753] After having traversed the length & breadth of N. C. we have ascertained that towards the Western mountains, there are plenty of people who have come from Virginia Maryland, Pennsylvania, New Jersey & Even from New England.

Even in this year more than 400 families with horses wagons, & cattle have migrated to this State & among them are good farmers & very worthy people who will no doubt be of great advantage to the State.

We have had opportunity to see the main streams in that part of N. C. which belongs to Lord Granville. We have not found one which may strictly be termed navigable. The Chowan & Roanoke are large and deep but have no tide water and only "freshets" They are furthermore so winding and have such high banks that sails cannot well be used here. Hence they can only use small craft for navigation and with great toil and labor ascend the stream and in the event of high water and rain they

must remain where they are until the water subsides. The reason these streams have no tide water is the great Sand Banks which lie east of the State which impede the rivers in their "exit" to the sea and prevent the tide from comeing in. Sometimes too they change the narrow entrances which the ships use for entering the rivers.

These causes operate to make it difficult to reach N. C. by sea. If the Captain is unfamiliar with this coast he may easily strike a sand bank & he may do so even if he is acquainted & experienced as the sands are shifted by wind & sea.

We paid a visit to the Tuscarora Indians who live on the Roanoke. They live upon a tract of very good land secured to them by act of Assembly. I suppose it contains from 20 to 30,000 acres of land. It is 12 miles long, but not broad.

The Interpreter Mr. Thomas Whitemeal [Whitmele] was kind enough to go with us showed us all their land and made us acquainted with them. He has been a trader among them, understands their language and speaks it quite fluently. Now he is one of the wealthiest men about here and has an excellent character among all classes. The Indians have no King but a Captain whom the whites select from their midst. There are also some individuals who live among them as chiefs.

Their number is small; they side with the Six Nations against the Catawbas, but suffer from this relationship very much. They are very poor and are oppressed by the whites. Mr. Whitemeal is their agent and advocate and is much respected by them. No efforts have as yet been made to christianize them.

They gave us a message to the Catawbas (not knowing that they had made peace with the Six Nations) should we see them, "that there were enough young men among them who knew the way to the Catawba Town. They could come and go there in 20 days; that they had remained very quiet and not molested the Catawbas except to hunt a little and they should remain quiet as long as the Catawbas did. Should they however become troublesome the way to the Catawba Town could soon be found."

Tis worthy of remark that the conduct of the Indians here is quite different from that in Pennsylvania. There the Indians are not feared at all unless they are drunk. Here they conduct themselves in such a way that the whites are afraid of them. If they enter a house & the man is not at home they become insolent & the poor woman must do as they command.

Sometimes they come in such large Companies that even the man is sorely put to it if compelled to deal with them. Sometimes men do

like Andrew Lambert who found traces of Seneca Indians on his land & in his corn & found they had killed & eaten some of his cattle. He called his dogs which he used for bear hunting some 8 or 10 in number & with his rifle in hand, he drove them out like sheep before him & thus rid himself of the nuisance.

This is difficult when people live alone in the woods about here; they are in danger of getting into unpleasant relations with the Indians. North Carolina waged war with the Indians, in time the latter became worsted & in consequence lost their land. This created a bad feeling not only among those tribes immediately concerned but with all the rest. This feeling of animosity will not speedily die out. This asserts itself on all occasions & it has come so far in N. C. that not only did the Indians rob the people of their stock, but in some cases even killed some of them.

[B. P. R. O. North Carolina. B. T. Vol. 12. C. 15.]

North Carolina 1. August 1752.

My Lords, [of the Board of Trade]

By the death of Mr. Johnston, His Majesty's late Governor of this Province, which happened on the 17th past, the Government devolving upon me in pursuance of His Majesty's Instructions, I convened the Council, and having qualifyed before them, entered upon the Administration of the Government.

There are, My Lords, no material occurrences to communicate since Mr. Johnston (I presume) wrote last to your Lordships, but I have the pleasure to inform your Lordships in general, that the Country enjoys great quietness, and is in a flourishing condition, the western parts settling very fast, & much shipping frequenting our rivers.

I have sent to the Clerks for Transcripts of the Assembly Journals, which when returned to me shall be transmitted to your Lordships.

I have the honour to be, &c., NATH: RICE.
[President of the Council.]

[From North Carolina Letter Book of S. P. G.]

From Mr. Hall to the Secretary (Extt.)

North Carolina, Edenton May 19, 1752.

Revd Sir,

Since Easter I have (tho' in a bad state of bodily health) journey'd thro' my North Mission, rode about 174 miles in about 16 days, preached

13 Sermons most of the congregations being very large, some counted to be 4, 5 or 600 persons (insomuch that we were some times obliged to assemble under the Shady Trees because the houses would not contain them) baptized 336 white & 22 black children 5 white adults (brought up in anabaptism & quakerism) & 7 black adults after proper examination and left several others to be better instructed against the next opportunity & also perform'd several other ministerial duties among the sick &c—& dispersed part of the books for which they were thankful, & hope to disperse them all before long (God willing) among such people as most want & will make the best use of them & lend them to others &c. I have now thro' God's gracious assistance & blessing in about 7 or 8 years, tho' frequently visited with Sickness, been enabled to perform (for aught I know) as great ministerial duties as any minister in N. America, viz to journey about 14000 miles. Preach about 675 Sermons. Baptize about 5783 white children 243 black children, 57 white adults & 112 Black adults in all 6195 persons & sometimes administered the Holy sacrament of the Lords Supper to 2 or 300 communicants in one journey besides churching of women, visiting the sick &c.

[B. P. R. O. B. T. Journals. Vol. 60.]

BOARD OF TRADE JOURNALS.

Wednesday April 15th 1752.

Present

Earl of Halifax

Mr. Grenville. Mr. Oswald.

Read a letter from Mr. Johnston, Govr of North Carolina to the Board dated at Edenton 3rd Sept. 1751 relative to the present state of the Council in that Province and recommending two gentlemen to supply vacancies therein.

Their Lordships took into consideration the state of His Maj. Council in the Province of North Carolina and it appearing that there were only three persons appointed by His Majesty of the said Council now remaining upon the List their Lordships ordered the Draught of a Representation to their Excellencies the Lords Justices to be prepared proposing that James Hassell, James Innes, John Rutherford, Francis Corbin, John Swan, John Dawson, James Craven, Lewis de Rosset and John Rieusset Esqrs may be appointed of the said Council

Read a letter from Mr. Johnston Gov^{r} of North Carolina to the Secretary of this Board dated at Edenton the 16th Sept. 1751 in answer to one from him relating to a neglect in not transmitting the public papers required by his Instructions.

Minutes of Council of North Carolina from 26 March to 3 April 1751.

Wednesday April 22nd 1752.

The draught of a Representation to their Excellencies the Lords Justices proposing nine persons to be appointed of the Council of North Carolina having been prepared pursuant to the Minutes of the 15th inst. was laid before the Board agreed to and ordered to be transcribed And was signed April 27th

Tuesday May 12th 1752.

Read an Order of their Excellencies the Lords Justices in Council dated 7th May 1752 approving the Representation of the Board of Trade of 27th April last recommending nine persons to supply Vacancies in the Council of North Carolina & directing the Board to prepare Warrants for their appointment.

The draughts of Warrants having been accordingly prepared and also the draught of a Representation to their Excellencies the Lords Justices thereupon the same were agreed & ordered to be transcribed—and signed May 13th

Wednesday November 8th 1752

Read the following Orders of their Excellencies the Lords Justices in Council, Viz:

* * * * * * *

Order of the Lords Justices in Council dated 28 May 1752 approving a Report from the Lords Commiss^{rs} for Trade with Draughts of Warrants prepared by them directing the Governor of North Carolina to swear and admit nine gentlemen to be of the Council in the said Province.

Friday November 10th 1752.

Ordered that the Secretary do write to Mr. Child Attorney General of North Carolina now in England to desire he would acquaint the Board whether he intends to return.

Wednesday. November 22^{d} 1752

The Secretary laid before the Board the following papers received from Mr. Abercromby Agent for North Carolina. Viz^{t}

Journal of the House of Burgesses in 1746 and 1747 also

Printed Journals of that House in 1749, 1750 and 1751.

Wednesday. November 29th 1752

The Secretary laid before the Board the following papers lately received from North Carolina Viz.

Minutes of Council in Sept. & Oct. 1751.

Friday. December 22nd 1752

Read a letter from Mr. Rice President of the Council and Commander in Chief of North Carolina dated 1 August 1752 acquainting the Board with the death of Gabriel Johnston Esq. the 17th of July last and that he had taken upon him the Administration of the Government there.

[B. P. R. O. North Carolina. B T. Vol. 26.]

LEGISLATIVE JOURNALS.

At a General Assembly begun and held at Newbern The Twelfth day of June in the Nineteenth Year of The Reign of our Sovereign Lord George The Second, by the grace of God of great Britain, France, and Ireland King defender of The faith &c and in The year of our Lord, one Thousand Seven hundred and forty six, and from Thence continued, by Several Prorogations, to The Thirty first day of March in The Twenty fifth year, of the said Majesties Reign in The year of our Lord one Thousand Seven hundred and fifty Two and from Thence prorogued to Thursday The Second day of April following: to be held at Bath Town.

Present

The Honourable { Mathew Rowan, James Innes, James Murray, Francis Corbin, James Hasell, John Swann } Esqrs Members

Then his Excellency came to The House, and Sent a mandate to the lower House commanding Their immediate attendance in the Council Chamber

Whereupon The Speaker attended by The House, waited upon his Excellency, in the Council Chamber, Then his Excellency opened The session of Assembly and made the following Speech in both Houses (vizt)

Gentlemen of His Majesties Council and Gentlemen of the House of Burgesses.

When I prorogued you to this Time and place, I never doubted but we should, before now have had an Account of The final Issue of Those

important points which have been so long in dispute, before the boards at home I am indeed Satisfied in my own mind, That they are already determined, Tho' the Shipping not Ariving at the usual Time keep us in ignorance of the decision. but Notwithstanding This disapointment, I did not think it proper, That this Opportunity of making some further wholesome Laws and provision for the peace and happiness of This Province, Should be lost. The reformation of so many abuses and enormities which have so long prevailed among us must in The nature of Things be a work of Time and carried on gradually: and I am confident, from your past behaviour, you will not fail to make some progress in it on This Occasion; and as you are sensible, That This Session must, on many accounts, be a Short one, I hope your diligence and Assiduity will be the greater.

Gentlemen I recommend to you in particular to take The most effectual measures, for promoting religion, and Virtue and Suppressing vices and immoralty, which are come to such a dreadfull height in This Province I desire of you in a Special manner, to take into your consideration the barbarous and inhuman manner of boxing which so much prevails among the lower sort of people This practice is attended with circumstances of cruelty as is really shocking to human nature; and I have been informed of no less, than four person, who within these Two years, have come to a violent death by This atrocious Custom. I am afraid the laws now in being are defective in this Affair, and as you are The Guardians of duty by a particular law, to put a Stop to such bloody horrid quarrels.

Whereupon the honourable James Murray, James Hasell, and John Swann Esq^{rs} Three of The Members of This board, were appointed a Committee to draw up an address to his Excellencys Speech.

Also James Innes and John Swann Esq^{rs} were appointed to qualify the Members of the lower House.

Mr. John Ash and Mr. De Rosset Brought up the following message from The lower House (viz^{t})

Gentlemen of his Majesties Honourable Council.

We have appointed the following persons a Committee of the publick Accounts and Claimes (viz^{t})

Mr. De Rosset Mr. Kerney Mr. Ormond Mr Eaton and Mr. Bell on the publick accounts. And Mr. Starkey Mr. Dawson Mr. Sampson Mr. Coutauch Mr. Ash Mr. Sinclair and Mr. Hayward on the publick claimes in conjunction with Such Members of your House, as your Honors shall think fit.

Whereupon the house, on reading the above message, and considering the same were pleased to appoint the following persons on the accounts and Claims

The honourable James Murray and Francis Corbin Esq^{rs} on the Accounts and James Hasell, and John Swann Esq^{rs} on the Claimes to join those of the lower house.

The House have thought fit to appoint Mr. William Stubbs Serjant at Arms and Andrew McDounaugh Door Keeper.

Then the House adjourned till tomorrow morning nine o'clock.

Friday April 3rd The House met according to adjournment

Present

Mathew Rowan	James Innes	} Esq^{res} Members
James Murray	Francis Corbin	
James Hasell	John Swann	

John Swann Esq^{re} one of the Committee appointed by this board to draw up an address to his Excellency's Speech, reported the same, which was agreed to, and ordered to be engrossed, which being done, the same was presented to his Excellency in the Council Chamber. To which Address his Excellency returned his thanks to the House.

Then the House adjourned till Three o'clock in the afternoon.

The House met according to adjournment.

Present

The Hon^{ble}	Mathew Rowan	James Innes	} Esq^{res} Members
	James Murray	Francis Corbin	
	James Hasell	John Swann	

And adjourned till to morrow morning nine o'clock

Saturday April 4th The House met according to adjournment.

Present

The Hon^{ble}	Mathew Rowan	John Rutherford	} Esq^{res}
	James Murray	Francis Corbin	
	James Innes	John Swann	
	James Hasell		

Then his Excellency came to the House and immediately the board presented him with their address in the following words

NORTH CAROLINA

To His Excellency &c

The humble address of his Majesties Council now met in General Assembly.

MAY IT PLEASE YOUR EXCELLENCY

His Majesties faithfull subjects, the Members of Council for this

Province beg leave to express our thanks for your Speech to both Houses at the opening of this Session

We are convinced that the great regard you have for his Majesties Service, and the prosperity of this Province, and your expection of seeing, before this, a final determination of the points in dispute before the board at home prompted your Excellency to call us together at this time; and tho' a decision of them so essential to the happiness of this Colony and so much wished for by every honest and disinterested man, hath not as yet been transmitted to us, we shall chearfully proceed to the redressing such Grievances, by passing such Bills as may anywise conduce to the publick good.

And we assure you Excellency we shall heartily concur with the other House in taking such measures which may promote the worship of Almighty God and discourage profaness and immorality.

Then the House adjourned till three o'clock in the afternoon.

Saturday April 4th The House met according to adjournment.

Present

The Honble { Mathew Rowan, James Murray, James Hasell, John Rutherford, Francis Corbin, John Swann, James Innes } Esqres

Mr. Brice and Mr. De Rosset brought up the following Bills.

A Bill to open and clear the upper part of Black River and the North East branch of Cape Fear River in Duplin County

A Bill to amend and extend an Act to appoint Inspectors in New Hanover County, and for regulating the exports of Cape Fear

In the General Assembly read the first time and passed

Read the Bill for an Act to clear the upper part of Black River &c in this House and passed.

The Bill to amend and extend an act to appoint inspectors in this House read the first time and passed.

Mr. Sampson and Mr. Dawson brought up a Bill to encourage Caleb Granger to build a Bridge over Smiths Creek, near the place known by the name of Smiths Creek Ferry in New Hanover County. In the General Assembly read the first time and passed

The Bill for an Act to encourage The building a Bridge, over Smith's Creek. In this House read the first time and passed.

Then the House adjourned till Monday Morning Nine o'clock

Monday April 6th The House met according to adjournment.

Present

The Hon^ble { Mathew Rowan, John Rutherford, James Murray, Francis Corbin, James Hasell, John Swann, James Innes } Esq^rs Members.

And adjourned till 3 o'clock in the Afternoon.

Evening three o'clock. The House met according to adjournment.

Present

The Hon^ble { Mathew Rowan, John Rutherford, James Murray, Francis Corbin, James Hasell, John Swann, James Innes } Esq^rs Members.

Mr. Coutauche and Mr. Macklewain Brought up a Bill to appoint, and apply £2000 Bills of Credit called and rated at Proclamation Money which is in The hands of Thomas Barker Gent Public Treasurer for the Northern District of this Province for erecting of Beacons, Setting up stakes, and Marks to make known, and point out the Several Shoals and Channels from Ocacock Inlet, over the Shoals to Bath Town, Newbern and Edenton &c In the General Assembly read The first time and passed Read The above Bill, and ordered that the same lye on the table for further Consideration tomorrow Morning.

Then the House adjourned till tomorrow morning Nine o'clock

Tuesday April 7th The House met according to adjournment.

Present

The Hon^ble { Mathew Rowan, John Rutherford, James Murray, Francis Corbin, James Hasell, John Swann, James Innes } Esq^rs Members.

Mr. De Rosset and Mr. Brice Brought up a Bill to explain, and amend an act intituled an Act for impowering the several Commissioners herein after named to make, mend and repair all roads, Bridges, Cuts, and water Courses already laid out or hereafter to be laid out, in the Several Counties and Districts herein After Appointed in such manner as they Judge most useful to the publick. In the General Assembly read the first time and passed In this House read the first time and passed.

Mr. De Rosset and Mr. Dawson Brought up a Bill for the better establishing the Church for erecting of Schools, and for granting to his Majesty certain rates, and Duties for the Support of the Same. In the General Assembly read the first time and passed

Then the House adjourned till three o'clock in the afternoon

The House met according to adjournment.

Present

The Hon^{ble} { Mathew Rowan, John Rutherford, James Murray, Francis Corbin, James Hasell, John Swann, James Innes } Esq^{rs} Members.

Mr. Kerney and Mr. Houston Brought up a Bill to divide the Parish of Edgecomb In the General Assembly read the first time and passed In this House read the first time and passed.

Mr. Sampson and Mr. Ash Brought up the following Bills.

A Bill for dividing part of Granville, Johnston, and Bladen Counties into a County and Parish by the name of Orange County, and S^{t} Mathews Parish, and for appointing Vestry men for the said Parish, and other purposes therein mentioned In the General Assembly read the first time and passed.

The Bill to encourage Caleb Grainger to build a Bridge over Smiths Creek &c

The Bill to amend and extend an act to Appoint Inspectors &c

In the general Assembly read the Bills the second time, and passed with Amendments

The Bill for the establishment of the Church, and erecting Schools &c In this House read the first time and passed.

The Bill to Divide Granville Johnston and Bladen into a County, by the Name of Orange County &c In this House read the first time and passed with Amendments

The Bill to encourage Caleb Granger to build A Bridge over Smiths Creek &c In this House read the Second time, and passed with Amendments

Then the House adjourned till tomorrow morning Nine o'clock

Wednesday April 8th The House met according to adjournment

Present

The Hon^{ble} { Mathew Rowan, John Rutherford, James Murray, Francis Corbin, James Hasell, John Swann, James Innes } Esq^{rs} Members.

Mr. Harris and Mr. Eaton Brought up the following Bills (viz^{t})

A Bill for appointing a Treasurer in the Counties of Currituck, Pasquotank, Perquimons, Chowan, Tyrrel, Bertie, Edgecomb, Northampton, and Granville, and for continueing an Act, intituled an Act to appoint a publick Treasurer in the room of Eleazer Allen Esq^{re} deceased.

A Bill to amend an Act intituled an Act for regulating a Pilotage at Cape Fear River and to empower the Captain of Fort Johnston, at the mouth of the River to examine all vessels, entring the said River, concerning the health of their Crew on board the said Vessels. In the general Assembly read the first time and passed

The Bill for dividing part of Granville, Johnston and Bladen into a County and Parish by the name of Orange County and S^{t} Mathew's Parish In the General Assembly read the second time and passed with amendments

The Bill to amend and extend an Act, to apppoint Inspectors Read a second time in the House, and passed with amendments

Then the House adjourned till five o'Clock this Evening

The House met according to adjournment.

Present

The Hon^{ble} { Mathew Rowan, John Rutherford, James Murray, Francis Corbin, James Hasell, John Swann, James Innes } Esq^{rs} Members

The Bill for appointing a Publick Treasurer for the Counties of Currituck & Pasq^{o} &c In this House Read and passed

The Bill to amend an Act for Regulating the Pilotage at Cape Fear In this House read said Bills the first time and passed

The Bill for dividing Granville Johnstone and Bladen into a County and Parish by the name of Orange County and St Mathew's Parish &c In this House read the second time and passed with Amendments.

Mr. Kerney and Mr. Haywood Brought up the Bill to encourage Caleb Grainger, to build a Bridge over Smiths Creek. In the general Assembly read the third time, and passed with Amendments. In this House read the third time, and passed. Ordered to be sent down and engrossed

Also the Bill to divide the Parish of Edgcomb In the General Assembly read the second time, and passed with Amendments In this House read, and Ordered to lye upon the table.

Then the House adjourned 'till to morrow morning nine o'clock

Thursday April 9th The House met according to adjournment.

Present.

The Hon^{ble} { Mathew Rowan, John Rutherford, James Murray, Francis Corbin, James Hasell, John Swann, James Innes } Esq^{rs} Members

Mr. Brice and Mr. Harris Brought up the two following Bills (viz^{t})

The Bill to amend and extend an Act, to appoint Inspectors &c In the General Assembly read a third time, and passed with Amendments.

In this House read the third time and passed Ordered that the same be sent down and engrossed.

The Bill to divide Granville, Johnstone, and Bladen into a County, and Parish &c In the General Assembly read the third time, and passed. In this House read the third time, and past.

Ordered that the same be sent down & engrossed

Mr. Coutauche & Mr. Harris Brought up the following Bills (Viz^{t})

The Bill for appointing a Treasurer for the Counties of Currituck and Pasquotank &c In the General Assembly read the second time and passed. In this House read the second time, and past, with Amendments.

The Bill to amend and explain the Road act &c. In the General Assembly read the second time and past with Amendments. In this House read the second Time and passed.

Also a Bill to facilitate the Navigation of Port Bath, Port Roanoke and Port Beaufort In the General Assembly read the first time and passed In this House read the first time and passed.

Then the House Adjourned till tomorrow morning nine o'clock

Friday April 10th The House met according to adjournment

Present

The Hon^{ble} { Mathew Rowan, John Rutherford, James Murray, Francis Corbin, James Hasell, John Swann, James Innes } Esq^{rs} Members

Mr. Ash and Mr. Houston Brought the following message (viz^{t})

GENTLEMEN OF HIS MAJESTIES HONOURABLE COUNCIL.

The Chairman of the Committee of publick Accounts having reported to this House that he has received the sums of £1090.17.6 Proclamation money arising by the tax for sinking the Currency of this Province. And there is exchanged this Session the sum of £8086.156. old Bills of Credit, which by Law are to be burned,

Therefore this House have appointed a Committee of the Whole House in conjunction with such of Your Honours as you shall think fit, to see the same burned at the House [of] Peter Caila near the Church.

The House on reading the above Message and Considering the same thought fit to send the following message (viz^{t})

MR. SPEAKER AND GENTLEMEN.

In answer to your message for Burning the sum of £1090 17^{s} 6^{d} Proclamation money arising by the Tax for sinking the Currency of

this Province &c. This House have resolved themselves into a Committee of the whole House to Join yours, and will accordingly attend.

Whereupon a Committee of the whole House proceeded to the House of Peter Caila, to meet the lower House, and met in conjunction of both Houses, and saw the Bills burnt and returned to the House again.

Mr. Coutauche and Mr. Bell Brought up their Navigation Bill &c In the General Assembly read the second time and passed In this House read the second time and passed.

Then the House adjourned till tomorrow morning Nine o'clock.

Saturday April 11th The House met according to Adjournment.

Present.

The Honble { Mathew Rowan, John Rutherford, James Murray, Francis Corbin, James Hasell, John Swann, James Innes } Esqrs Members.

Mr. Harris and Mr. Haywood Brought up the Bill for facilitating the Navigation, &c. In the General Assembly read the third time and passed with Amendments. In this House read the third time and past Ordered the same to be sent down and engrossed

The Bill for appointing a Publick Treasurer &c In the General Assembly read the third time and passed.

The Bill to Amend and explain the Road Act, &c In the General Assembly read the third time and passed In this House read the third time and passed Ordered to be sent down and engrossed.

Also a Bill for appointing and laying out a Town at Blackman's Landing on the West side of Cashey River at a Plantation belonging to Joseph Wimberly. In the General Assembly read the first time and passed. In this House read the first time and passed.

Mr. De Rosset and Mr. Houston Brought up a Bill for licencing Traders, Pedlars and Petty Chapmen; and Granting to his Majesty a Duty on Goods, Wares and Merchandize, to raise supplies for defraying the necessary Charges of Government In the General Assembly read the first time, and passed In this House read and passed.

The Bill to amend an Act for regulating the Pilotage at Cape Fear &c. In the General Assembly read the second time, and passed

Mr. Dawson and Mr. Eaton Brought up the Bill for appointing and laying out a Town at Blackman's Lands &c In the General Assembly read the second time and passed.

Then the House adjourned till Monday morning nine o'clock.

Monday April 13th 1752. The House met according to adjournment.

Present

The Honble { Mathew Rowan, John Rutherford, James Murray, Francis Corbin, James Innes, John Swann } Esqrs Members

The Bill for regulating the Pilotage of Cape Feare &c being read on Saturday, and the House upon considering and debating the same, Ordered to lye upon the Table until Monday Morning, was this day put to the House the second time, past and sent down.

The Bill for appointing and laying out a Town at Blackmans Landing &c. In the Upper House read the second time and passed.

Then the House Adjourned till three o'clock in the afternoon

The House met according to adjournment.

Present

The Honble { Mathew Rowan, John Rutherford, James Murray, Francis Corbin, James Innes, John Swann } Esqrs Members

Mr. Ash and Mr. Bell Brought up the following Bills (vizt)

The Bill to amend and regulate the Pilotage &c.

The Bill to appoint and lay out a Town on Blackmans Landing &c.

In the General Assembly read the third time and passed In this House read the third time and passed Ordered to be sent down and engrossed.

Also a Bill for granting to his Majesty a Duty on Goods and Wares &c and for defraying the necessary charges of Goverument &c In the General Assembly read the second time, and passed with Amendments

Mr. Coutauche & Mr. Barrow Brought up the reports of the Committee of Accounts and Claimes, Concurred with by the lower House; together with the following (vizt)

Gentlemen of his Majesties Honourable Council.

We herewith send you the reports of the Committee of Claims with some allowance added therein by this House and desire your Honours Concurrence.

The Bill for granting to his Majesty a Duty on Goods and Wares &c and for defraying the necessary Charges of Government. In this House read the second time, and passed with Amendments.

Mr. Harris and Mr. Howell Brought up the following Messsage (vizt)

GENTLEMEN OF HIS MAJESTIES HONOURABLE COUNCIL.

The Treasurer of the Southern District hath informed this House that he has in his hands £60 17^{s} Proclamation Money which was received for Powder Money and remains unapplied.

Therefore have resolved that the said Treasurer out of said £60 17^{s} pay the expences of the Committees and the Offices of both Houses, and that the remainder with what Powder Money he may receive from the former receivers of said Money of Port Bath, and Port Beaufort be applied towards discharging the Claimes allowed by former Assemblies. And desire your Honours Concurrence.

SAMUEL SWANN Speaker.

Then the House Adjourned till tomorrow morning nine o'clock

Tuesday April 14th The House met according to Adjournment

Present.

The Hon^{ble} { Mathew Rowan, John Rutherford, James Murray, Francis Corbin, James Innes, John Swann } Esq^{rs} Members.

Then the House thought fit to send the following message

MR. SPEAKER AND GENTLEMEN

This House has taken into Consideration a claim of £7 17^{s} 6^{d} Proclama Money allowed by the Committee of Claims in September 1749 to the Honourable Ja^{s} Murray Esq^{re} a Member of this House for travelling to Edenton in Order to attend at a session of Assembly there held in November 1743 which Claim was disallowed by your House by reason Mr. Murray did not appear until the Assembly was prorogued, but he having now produced a proper Certificate of his having been in a bad state of Health at that time. And as he appeared on the very day the Assembly was prorogued, and was never absent from any other Session of Assembly, when he was in this Province We are of Opinion the said Claim ought to be allowed with which we desire your Concurrance.

Then the House adjourned till three oclock in the afternoon

Present

The Hon^{ble} { Mathew Rowan, John Rutherford, James Murray, Francis Corbin, James Innes, John Swann } Esq^{rs} Members

Mr. De Rosset and Mr. Housten Brought up the Bill for granting to his Majesty a Duty on Goods and Wares &c and for defraying the Charges of Government &c. In the Lower House read the third time

and passed with amendments In the upper House read the third time and passed. Ordered that the same be sent down & engrossed And sent down with the following message (viz^{t})

Mr. Speaker and Gentlemen

This House having examined the reports of the Committee of Claimes and Committee of Accounts has concurred with your Amendments and desire the duplicates of the said reports may be sent up. Which message together with the reports of Claims & Accounts was sent down concurred with by this House.

Mr. Brice and Mr. Calf Brought up the following message, (viz^{t})

Gentlemen of his Majesties Honourable Council

We are sorrey we can't concurr with your Message of this Morning relateing to the claim which was allowed by a former committee of Claims to the Hon^{ble} James Murray Esq^{r} and then not approved of but disallowed by this House on their examining the said report. As we dont find any President or a Member of either House having been allowed any claim in the like case, And have no reason to apprehend we ought now to make a Precedent in this of the Honourable James Murray Esq^{re} especially as the said claim hath been already disallowed by this House on their examining the aforesaid report, and with which report after the said Claim was marked disallowed by this House Your Honours concurred By Order SAM SWANN Speaker

Then the House adjourned till tomorrow morning nine o'clock

Wednesday April 15th The House met according to adjournment.

Present.

The Hon^{ble} { Mathew Rowan, John Rutherford, James Murray, Francis Corbin, James Innes, John Swann } Esq^{rs} Members.

His Excellency the Governor came to this House and sent a Message to the lower House commanding their immediate attendance.

Whereupon, the Speaker attended by the lower House waited upon his Excellency the Governor in the Council Chamber; And Mr. Speaker presented to his Excellency the following Bills.

The Bill for licencing Pedlars Traders and Petty Chapmen

The Bill for facilitating the Navigation of Port Bath Port Roanoke and Port Beaufort.

The Bill to amend and extend an Act to appoint Inspectors

The Bill for appointing a Treasurer for the Counties of Currituck Pasquotank & Pequimons

The Bill to amend and explain the Road Act &c.

The Bill for dividing part of Johnston Granville and Bladen Counties.

The Bill for appointing and laying out a Town at Blackmans Landing &c

The Bill to encourage Caleb Grainger to Build a Bridge over Smiths Creek in New Hanover County &c.

The Bill to amend an act for regulating the Pilotage of Cape Fear River &c

To all which Bills his Excellency was pleased to give his assent. And then prorogued the Assembly until the second Tuesday in October next to be then held at Newbern

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North Carolina—ss.

At a General Assembly, begun and held at Newbern, the Twelfth Day of June, in the Nineteenth Year of the Reign of our Sovereign Lord George the Second, by the Grace of God, of Great Britain, France, and Ireland King, Defender of the Faith, &c and in the Year of our Lord One Thousand Seven Hundred Forty seven; and from thence continued, by several Prorogations to the Thirty First Day of March in the Year of our Lord One thousand Seven hundred and Fifty Two in the Twenty Fifth year of his said Majestys Reign Being the Eleventh Session of this present General Assembly.

Tuesday, March 31st 1752.

It appearing to this House by Certificate from the Clerk of the Crown, That Mr. John Ash is elected a Member to serve in this present General Assembly, for the County of New Hanover, in the Room of Mr. John Swann; and that Mr. Robert Harris is elected a Member to serve in this present General Assembly for the County of Granville, in the Room of Mr. Edward Jones, (late Member of that County) deceased,

His Excellency the Governor was pleased to prorogue this Assembly until Thursday next, being the [second] Day of April, to be then held at Bath-Town.

Thursday April 2nd 1752. The House met according to Prorogation.

Mr. James Calf, one of the Members for Hyde County appeared.

His Excellency the Governor sent a Message to this House, commanding the immediate Attendance thereof in the Council Chamber.

The House in a full Body waited on his Excellency the Governor, in the Council Chamber, where his Excellency was pleased to make a

Speech to both Houses of Assembly, and delivered the same to Mr. Speaker.

The House returned, when Mr. Speaker produced his Excellency's Speech which is ordered to be read, Read the same Ordered, The same be entered in the Journal of this House The same is done & is, as follows, viz

GENTLEMEN,

When I prorogued you to this time and Place, I never doubted but we should, before now, have had an Account of the Issue of those important points which have been so long in Dispute before the Boards at Home. I am indeed satisfied in my own mind, that they are already determined, tho' the Shipping not arriving at the usual Time keeps us in Ignorance of the Decision; but notwithstanding this Disappointment, I did not think it proper that this Opportunity of making some further wholesome Laws and Provisions for the Peace and Happiness of this Province should be lost; the Reformation of so many Abuses and Enormities which have so long prevailed among us, must in the Nature of Things be a Work of Time, and carried on gradually; and I am confident from your past Behaviour, you will not fail to make some Progress in it on this Occasion and as you are sensible this Session must on many Accounts be a short one, I Hope your Diligence and Assiduity will be the greater.

GENTLEMEN

I must recommend to you in particular to take the most effectual Measures for promoting Religion and Virtue and suppressing Vice and Immorality, which are come to such a dreadful Height in this Province. I desire you in a special Manner to take into your Consideration the barbarous and inhuman Manner of Boxing which so much prevails among the lower Sort of People; this Practice is attended with Circumstances of Cruelty and Horror, and is really shocking to human nature; and I have been informed of no less than four Persons who, within these Two years have come to a violent Death by this atrocious Custom: I am afraid the Laws now in Being are defective in this Affair, and as you are the Guardians of the Lives and Properties of his Majesty's Subjects, it is in my Opinion, your Duty, by a Particular Law, to put a stop to such bloody and horrid Quarrels.

The House adjourned till three o'clock Afternoon.

P M The House met according to Adjournment

Andrew Conner is appointed Doorkeeper to this House, in the Room of James Derham, Peter Caila is appointed Messenger to this House, in the Room of Benjamin Fordham

Mr. John Ash, the Member elected to serve in this present General Assembly for the County of New Hanover, in the Room of Mr. John Swann, who was appointed one of the Members of his Majestys honourable Council, and Mr. Robert Harris, the Member elected to serve in this present General Assembly for the County of Granville, in the Room of Mr. Edward Jones deceased, appeared and took the Oaths by Law for their Qualification, subscribed the Test, and took their Seats in the House.

Mr. John Starkey moved, that a Committee be appointed to prepare an Address in Answer to his Excellency the Governor his Speech, and the following Persons were accordingly appointed, viz

Mr. John Starkey, Mr. John Ash, and Mr. Wyriott Ormond.

Mr. Starkey moved, that a Committee be appointed to examine, state, and settle the public Accompts of this Province and the following Persons were accordingly appointed, viz

Mr. Lewis De Rosset, Mr, Thomas Kearney, Mr. Wyriott Ormond, Mr. William Eaton, and Mr. Joseph Bell.

Mr. Ormond moved, that a Committee be appointed to settle and allow the public Claims of this Province, and the following Persons were accordingly appointed viz

Mr. John Starkey, Mr. John Dawson, Mr. John Sampson, Mr. Michael Coutauch, Mr. John Ash, Mr. Samuel Sinclare, and Mr. John Haywood.

Ordered, That the following Message be sent to his Majesty's Council, viz

GENTLEMEN OF HIS MAJESTY'S HONOURABLE COUNCIL,

We have appointed the following Persons Committee of the public Accompts and Claims, viz Mr. De Rosset, Mr. Kearney, Mr. Ormond, Mr. Eaton, and Mr. Bell on the public Accompts; and Mr. Starkey, Mr. Dawson, Mr. Coutauch, Mr. Sampson, and Mr. Ash, Mr. Sinclare, and Mr. Haywood, on the public Claims in Conjunction with such Members of your House, as your Honours shall think fit

By Order. S. SWANN, Speaker.

Sent by Mr. De Rosset, and Mr. Ash.

The House adjourned till tomorrow Nine o'clock.

Friday, April 3rd, 1752. The House met according to Adjournment.

Mr. Starkey presented to the House, the Petition of several of the Inhabitants Freeholders of the upper Parts of Chowan and Pequimons Counties; setting forth, the Hardships they endure by being obliged to attend the County Courts of Chowan and Pequimons Counties; Praying to be divided from the said Counties and erected into a County and Parish &c

Ordered, that the same be referred for Consideration until the next Assembly.

Mr. Ash reported from the Committee appointed to prepare an Address in Answer to his Excellency the Governor's Speech that the said Committee had prepared the same, which he read in his Place.

Ordered, that the same be engrossed, which is done, and is as follows, viz

To his Excellency Gabriel Johnston Esq^re^ Captain-General, Commander in Chief & Governor in and over the Province of North Carolina.

The Humble Address of the General Assembly of the said Province.

MAY IT PLEASE YOUR EXCELLENCY.

The Pleasure of Meeting your Excellency in General Assembly at this time, would have been greatly augmented, could we have been informed of the fate of our Affair which have been so long in Agitation at the Boards at home; We would willingly hope that whenever the Determination of his Royal Majesty and his Ministers are made known to us, our known Duty to the Crown will engage us chearfully to acquiesce, and that not only our Disputes which have been too much fomented will subside, and the Causes of them be totally obliterated, but also the Peace, Harmony, and the long-wish'd for Coalition of all Parties immediately ensue.

We agree with your Excellency that this Session must inevitably be very short, as the Season of the year requires the Attendance of most of us on our Plantations; yet we assure your Excellency, that we intend with our wonted Assiduity, Unanimity, and Dispatch, to proceed in the public Business, not only to supply what appears to us defective in any of our Laws, and to enforce the due Execution of those already made; but also to frame such others as shall be judged needful and consistent with the Circumstances of our Constituents, whereby the public Worship of Almighty God may be effectually supported, the virtuous Education of our Youth promoted, our Trade and Navigation enlarged and encouraged, and the Peace and Welfare of this wide extended Province in every Instance cultivated and improved the furthering such laudable Designs will best speak us the Guardians of a free People, and we

doubt not, from former Experience, to have your Excellency's ready Concurrence

Received from the Council the following Message viz

MR. SPEAKER AND GENTLEMEN,

The House on reading your Message of this Day, regarding the Committee of Accompts and Claims, thought fit to appoint the following Persons, Members of this House to join those of yours, viz. the Honourable James Murray and Francis Corbin Esq[rs] on the Accompts; and the Honourable James Hasell and John Swann, Esq[rs] of the Claims.

The House adjourn'd till 3 o'clock Afternoon.

P. M. The House met according to Adjournment

His Excellency the Governor sent a Message to this House, commanding their immediate Attendance in the Council Chamber, with their Address.

The House in a full Body waited on his Excellency in the Council Chamber, when Mr. Speaker presented his Excellency the Address of this House

The House returned

The House adjourn'd til tomorrow morning nine o'clock.

Saturday, April 4[th] 1752. The House met according to Adjournment.

Mr. Starkey moved for Leave to bring in a Bill to amend and extend an Act to appoint Inspectors in New Hanover County and for regulating the Exports at Cape Fear

Ordered. That he have Leave, and that he prepare and bring in the same.

Mr. Starkey brought in the abovesaid Bill, which he read in his Place.

Ordered, That the same pass, and be sent to the Council

Mr. Houston moved for Leave to Bring in a Bill, to open and clear the Upper Part of Black River, and the North East Branch of Cape Fear River, in Duplin County.

Ordered, That he have Leave, and that he prepare and Bring in the same

Mr. Houston brought in the abovesaid Bill, which he read in his place.

Ordered, That the same pass, and be sent to the Council

Sent the above two Bills to the Council, by Mr. Brice and Mr. De Rosset.

Mr. De Rosset moved for leave to bring in a Bill, to encourage Caleb Grainger to build a Bridge over Smiths Creek, near the Place known by the Name of Smiths Ferry in New Hanover County.

Ordered, That he have leave, and that he prepare and bring in the same.

Mr. De Rosset brought in the abovesaid Bill, which he read in his Place.

Ordered, That the same pass, and be sent to the Council

Sent the said Bill to the Council by Mr. Sampson and Mr. Dawson.

The House adjourned til Monday morning Nine o'clock.

Monday, April 6th 1752. The House met according to adjournment.

Mr. Ormond moved for Leave to bring in a Bill, to appropriate and apply Two Thousand Pounds, Current Bills of Credit called and rated at Proclamation Money, which is in the Hands of Thomas Barker, General Public Treasurer of the Northern District of this Province, for the erecting of Beacons setting up Stakes and Marks to make known, and point out the several Channels from Ocacock Inlet, over the Shoals to Bath Town, and from the said Inlet up to Newbern; and also from the said Inlet up to Edenton, to facilitate the Trade and Navigation of the Northern Parts of the Government and for regulating the Pilots belonging to the said Ports and Places.

Ordered, That he have Leave, and that he prepare and bring in the same.

Mr. Ormond brought in the abovesaid Bill, which he read in his Place.

Ordered, That the same pass, and be sent to the Council

Sent the same to the Council, by Mr. Coutauch and Mr. McLewean.

The House adjourned til tomorrow morning nine o'clock.

Tuesday April 7th 1752 The House met according to Adjournment.

Mr. Sampson moved for Leave to bring in a Bill, to explain and amend an Act entituled, an Act for empowering the several Commissioners herein after named, to make, mend, and repair all Roads Bridges, Cuts and Water courses already laid out, or hereafter to be laid out, in the several Counties and Districts herein after appointed in such Manner as they judge most useful to the Public

Ordered, That he have Leave, and that he prepare and bring in the same.

Mr. Sampson brought in the said Bill, which he read in his Place.

Ordered, That the same pass, and be sent to the Council.

Sent the above said Bill to the Council, by Mr. De Rosset and Mr. Brice.

Mr. De Rosset moved for Leave to bring in a Bill, for the better establishing of the Church, for erecting of schools, and for granting to his Majesty several Rates and Duties for the support of the same.

Ordered, That he have Leave, and that he prepare and bring in the same.

Mr. De Rosset brought in the above said Bill, which he read in his Place.

Ordered, That the same pass, and be sent to the Council.

Sent the above said Bill to the Council, by Mr. De Rosset and Mr. Dawson.

Received from the Council the following Bills viz.

The Bill, to open and clear the Upper Part of Black-River and the North East of Cape Fear River &c.

The Bill, to amend and extend an Act, to appoint Inspectors in New Hanover County, &c

Endorsed in the Upper House read the first time and passed.

And the Bill to explain and amend the Road Act &c Endorsed in the Upper House read the first time and passed.

And the Bill, to encourage Caleb Grainger to build a Bridge over Smith Creek, in New Hanover County Endorsed, In the Upper House, read the first time and passed.

Mr. Kearney moved for Leave to bring in a Bill, to divide the Parish of Edgecomb.

Ordered, That he have Leave, and that he prepare and bring in the same.

Mr. Kearney brought in the abovesaid Bill, which he read in his Place.

Ordered, That the same pass, and be sent to the Council.

Sent the above Bill to the Council, by Mr. Kearney and Mr. Houston.

Mr. M°Lewean informed this House, that he had received several Abuses from one John Gatlin last Night in Regard to his Character which is in Contempt, and a Breach of the Privileges of this House; Therefore moved that Mr. Speaker issue his Warrant to take the said John Gatlin in Custody, and bring him to the Bar of this House to answer the said Contempt.

Mr. Speaker issued his Warrant accordingly, and directed the same to Peter Caila, Messenger to this House.

Peter Caila, the Messenger to this House, in Virtue of the abovesaid Warrant, brought before this House the said John Gatlin, who was then charged by Mr. M^{c}Lewean with speaking very abusive words of, and tending towards lessening his Character; but it appearing to this House, that the said John Gatlin is much intoxicated with liquor, he was therefore ordered to be kept in Custody of the said Messenger until Tomorrow, and to be brought to the Bar of this House to answer for such his Contempt as aforesaid

The House adjourned til Three o'clock in the Afternoon.

P. M. The House met according to Adjournment.

Mr. Harris moved for Leave to bring in a Bill, for dividing Part of Granville, Johnston, and Bladen Counties into a County and Parish, by the Name of Orange County and St Matthews Parish and for appointing Vestrymen for the said Parish, and other Purposes therein mentioned

Ordered, That he have leave, and that he prepare and bring in the same.

Mr. Harris brought in the abovesaid Bill, which he read in his Place

Ordered That the same pass and be sent to the Council.

Sent the same to the Council by Mr. Ash and Mr. Sampson

Ordered, That the following Bills be read, viz

The Bill to amend and extend an Act, to appoint Inspectors in New Hanover County, and for regulating the Exports of Cape Fear, which passed the second time, with Amendments.

The Bill, to encourage Caleb Grainger to build a Bridge over Smiths Creek Ferry, in New Hanover County; which also passed the second time, with Amendments

Ordered, That the above two Bills be sent to the Council

Sent the above two Bills to the Council, by Mr. Ash and Mr. Sampson.

Mr. Dawson produced a Certificate from the County Court of Northampton, thereby certifying, that William Barden is very poor, and incapable of doing any Labour; recommending him as a Person worthy to be exempt from paying any public taxes, and doing any public Labour

Ordered, That he be exempt accordingly

Mr. Dawson produced a Certificate from the County Court of Northampton, thereby certifying, that David Jones is aged and poor, and not able to do public Services nor pay public taxes

Ordered That he be exempt from paying public Taxes and working on the Roads &c

Mr. Ormond produced a Certificate from the County Court of Beaufort, thereby certifying, that William Kelly is both old and a Cripple, and thereby rendered incapable of getting his Living, and recommending him to this House to be exempt from paying Parish, County and Public Taxes

Ordered, That he be exempt accordingly

The House adjourn'd til Tomorrow Nine O'clock.

Wednesday, April 8th 1752. The House met according to adjournment

Received from the Council the following Bills viz

The Bill, for establishing the Church for erecting Schools Endorsed, In the Upper House, read the first time and passed.

The Bill to encourage Caleb Grainger to build a Bridge over Smith's Creek, in New Hanover County &c Endorsed, In the upper House, read the second time and passed.

And the Bill, for dividing Part of Granville Johnston and Bladen Counties, into a County & Parish &c Endorsed, In the Upper House, read the second time and passed.

Mr. De Rosset moved for Leave to bring in a Bill, to amend an Act, for regulating the Pilotage at Cape Fear River to examine all Vessels entering the said River, concerning the Health of their Crews on board the said Vessels

Ordered That he have Leave and that he prepare and bring in the same

Mr. De Rosset brought in the said Bill, which he read in his place

Ordered, That the same pass, and be sent to the Council

Mr. Ormond moved, that the Bill, for establishing the Church, for erecting Schools &c be read a second time and was seconded by Mr. Sinclare

Mr. Sampson moved, that the said Bill lie upon the table for Consideration, and was seconded by Mr. Ash. After several Arguments thereon, and the Question being put. Whether the said Bill be read a second time or not? It passed in the Negative.

Ordered, That same lie on the Table for Consideration

Peter Caila brought to the Bar of this House, John Gatlin agreeable to the order of Yesterday, to answer a Breach of the Priviledges of this House, regarding the Abuse committed by him to Mr. M°Lewean, one of the Members of this House; The said John Gatlin having confessed the same it was therefore ordered, That the said John Gatlin do, at the Bar of this House, on his Knees, ask Pardon of the House and Mr.

M^cLewean for his Offence, which he did accordingly; Then was by the House ordered to be discharged from his Confinement, paying Fees.

Mr. Dawson moved for Leave to bring in a Bill, for appointing a Treasurer for the Counties of Currituck, Pasquotank Pequimons, Chowan, Tyrell, Bertie, Edgecomb, Northampton, and Granville

Ordered, That he have Leave, and that he prepare and bring in the same.

Mr. Dawson brought in the abovesaid Bill, which he read in his Place.

Ordered that the same pass, and be sent to the Council

Read the Bill for dividing Part of Granville, Johnston and Bladen Counties into a County and Parish &c the second Time and passed with Amendments.

Ordered that the said Bill be sent to the Council

Sent the above three Bills to the Council, by Mr. Harris & Mr. Eaton.

The House adjourned til Three O'Clock Afternoon

P M The House met according to adjournment.

Ordered, That the following Bill be read a Third Time

The Bill, to encourage Caleb Grainger to build a Bridge over Smiths Creek, in New Hanover County, &c

Read the said Bill a third time, and passed, with Amendments

Ordered, that the same be sent to the Council

Sent the above Bill to the Council by Mr. Kearney and Mr. Haywood

Received from the Council, the Bill, to amend and explain an Act, to appoint Inspectors in New Hanover County &c Endorsed, In the Upper House, read the second time and passed, with Amendments

Ordered, that the Bill, to divide the Parish of Edgecomb, be read a second time.

Read the Bill a second time, and passed with amendments

Ordered that the same be sent to the Council

Sent the same to the Council, by Mr. Kearney and Mr. Haywood

Received from the Council the following Bills viz

The Bill for dividing Part of Granville, Johnston and Bladen Counties into a County and Parish &c Endorsed, In the Upper House, read the second time and passed with Amendments

The Bill, for appointing a Treasurer for the Counties of Currituck, Pasquotank, Pequimons, Chowan &c

The Bill, to amend an Act, for regulating the Pilotage of Cape Fear River &c

Endorsed, In the Upper House, read the first time, and passed

And the Bill to encourage Caleb Grainger to build a Bridge over Smiths Creek, in New Hanover County, &c Endorsed, In the Upper House, read the third time and passed.

Ordered that the same be Engrossed

The House adjourned til tomorrow Morning Nine O'clock.

Thursday, April 9, 1752. The House met according to adjournment.

Ordered, That the Bill for dividing Bladen, Granville and Johnston Counties, into a County and Parish &c be read the third Time

Read the said Bill the third time and passed with Amendments.

Ordered that the same be sent to the Council.

Ordered, That the Bill, to explain and amend an Act, to appoint Inspectors in New Hanover County, be read the third time.

Read the said Bill the third time, and passed with Amendments.

Ordered, That the same pass, and be sent to the Council.

Sent the above two Bills to the Council, by Mr. Brice and Mr. Harris

Mr. Coutauch moved for Leave to Bring in a Bill for facillitating the Navigation of Port Bath, Port Roanoke and Port Beaufort.

Ordered, that he have Leave and that he prepare and bring in the same

Mr. Coutauch brought in the abovesaid Bill, which he read in his place.

Ordered that the same pass and be sent to the Council

Ordered, That the following Bills be read the third time viz

The Bill, for appointing a Treasurer for the Counties of Currituck, Pasquotank Pequimons Chowan &c

Read the abovesaid Bill the third time, and passed with Amendments

Ordered, That the above two Bills be sent to the Council

Received from the Council the following Bills viz

The Bill to amend and extend an Act, to appoint Inspectors in New Hanover County and for regulating the Exports at Cape Fear

And the Bill, for dividing Part of Granville, Johnston and Bladen Counties, into a County and Parish &c Endorsed, In the Upper-House, read the third time and passed.

Ordered, That the said two Bills be Engrossed

Ordered, That the following Bills be read a second time

The Bill to amend and explain the Road Act.

Read the said Bill a second time and passed with Amendments

Ordered, That the same be sent to the Council

Sent the same to the Council by Mr. Coutauch and Mr. Harris

Read the Bill, to amend an Act, for regulating the Pilots at Cape Fear, the second time; upon which Mr. De Rosset moved, that the said Bill pass; which was objected by Mr. Ormond, who moved, that the said Bill lie on the Table for Consideration; Whereupon the Question was put whether the said Bill pass or not? which passed in the Negative

Ordered, That the said Bill lie on the table for Consideration

The House adjourned til tomorrow morning Nine o'clock.

Friday April 10, 1752. The House met according to Adjournment

Received from the Council the Bill, for appointing a Public Treasurer for the Counties of Currituck, Pasquotank Pequimons &c Endorsed, In the Upper House read the second time and passed, with Amendments

The Bill, to explain and amend the Road Act &c Endorsed In the upper House read the second time and passed.

And the Bill, for facilitating the Navigation of Port Bath, Port Roanoke, and Port Beaufort Endorsed, in the Upper House read the first time and passed.

Mr. Ormond moved, that a Committee be appointed to Consider of Ways and Means for laying a tax to defray the Contingent Charges of Government; and prepare a Bill for the same, and was seconded by Mr. Houston. Mr. Sinclare objected to the said Motion, and was seconded by Mr. Sampson; upon which the Question was put Whether a Committee be appointed or not? and passed in the Affirmative.

Ordered, That a Committee be appointed to consider of Ways and Means for laying a tax to defray the contingent Charges of Government, and to prepare a Bill for the same; and the following Persons were accordingly appointed, viz Mr. Starkey, Mr. Ormond, Mr. Ash, Mr. Haywood, and Mr. Calf.

Mr. De Rosset moved for Leave to bring in a Bill, to encourage the Postmaster-General to establish a Post Office in this Province

Ordered, That he have Leave, and that he prepare and bring in the same.

Mr. De Rosset brought in the above said Bill, and moved that the same Pass.

Mr. Ormond objected thereto, and moved, that the said Bill lie on the table for Consideration; Upon which the Question was put, whether the said Bill pass or not? and was carried in the Negative

Ordered, That the same lie on the table for Consideration

Mr. Sinclare acquainted this House, that Mr. James Davis the Printer, hath neglected his Duty, in not sending the several Laws,

Journals, and so forth, to the several Counties, and so forth, which by Law he ought to have done; Therefore moved, that the said James Davis be sent for at his own expence, and appear before this House to answer for such his Neglect; and that Mr. Speaker issue his Warrant accordingly

The House adjourned for three hours

The House met according to adjournment.

Mr. William Eaton, Chairman of the Committee of Accompts reported as follows, viz. That there has been paid into the Hands of him, the said Chairman by the Public Treasurer, the sum of One Thousand and Ninety Pounds, Seventeen Shillings and Sixpence, Proclamation Money, on Account of the Tax for sinking the Currency of this Province; and the Sum of Eight Thousand Four Hundred and Eighty Six Pounds, Fifteen Shillings and Sixpence of the old Money, which has been exchanged this Session, for those of the late Emission: Therefore moved, That the same be burnt and that this House would appoint a Committee thereof to see the same done in Conjunction with those of the Council as they shall think fit to appoint.

Ordered, That the said Bills be burnt, and that a Committee of the whole House be appointed, in Conjunction with such of the Council as they shall think fit to appoint to see the same done accordingly; and that the following Message be sent to the Council.

Sent the following Message to the Council viz

GENTLEMEN OF HIS MAJESTY'S HONOURABLE COUNCIL.

The Chairman of the Committee of Public Accompts having reported to this House, that he hath received the Sum of $1090^{l}\ 17^{s}\ 6^{d}$ Proclamation Money, arising by the Tax for sinking the Currency of this Province; and that there is exchanged this Session, the Sum of $8486^{l}\ 15^{s}\ 6^{d}$ old Bills of Credit, which by Law are to be burnt Therefore this House have appointed a Committee of the whole House in Conjunction with such of your Honours as you shall think fit, to see the same burnt this Evening, at the House of Peter Caila, near the Church

By Order. S. SWANN, Speaker.

Ordered, That the Bill, for facilitating the Navigation of Port Bath, Port Roanoke and Port Beaufort be read the second time.

Read the said Bill the second time, and passed with Amendments

Ordered, That the same Pass, and be sent to the Council.

Sent the same to the Council by Mr. Coutauch & Mr. Bell

Received the following message from the Council viz.

Mr. Speaker, and Gentlemen.

In answer to your Message for burning the Sum of 1090^{l} 17^{s} 6^{d} Proclamation Money arising by the Tax for sinking the Currency of this Province &c This House have resolved themselves into a Committee of the whole House to join yours, and will attend accordingly.

The House adjourned 'till to morrow morning Nine o'clock.

Saturday April 11, 1752. The House met according to Adjournment.

Ordered, That the following Bills be read a Third Time viz

The Bill to amend and explain the Road Act

The Bill for appointing a Public Treasurer for the Counties of Currituck Pasquotank Pequimons &^{c}

The Bill for facilitating the Navigation of Port Bath Port Roanoke, and Port Beaufort, which is amended

Ordered, That the above three Bills be sent to the Council

Mr. Thomas Kearney moved for Leave to bring in a Bill for appointing and laying out a Town at Blackman's Landing

Ordered, That he have Leave, and that he prepare and bring in the same

Mr. Kearney brought in the said bill which he read in his place

Ordered, That the same pass and be sent to the Council

Sent the above four Bills to the Council, by Mr. Harris and Mr. Heywood

Mr. Ormond moved for Leave to bring in a Bill, for licensing Traders, Pedlars and Petty Chapmen, and granting to his Majesty a Duty on Goods Wares and Merchandizes to raise Supplies for defraying the necessary charges of Government

Ordered That he have Leave, and that he Prepare and bring in the same

Mr. Ormond brought in the said Bill, which he read in his Place.

Ordered, That same pass, and be sent to the Council

Mr. De Rosset moved, That the Bill, to amend an Act for regulating the Pilotage of Cape Fear &^{c} which was ordered to lie on the Table, after reading a second time on Thursday last, might pass this House and be sent to the Council after some Amendments made therein

Ordered that the said Bill pass, and be sent to the Council

Sent the above two Bills to the Council by Mr. —— and Mr. ——

Mr. Starkey, Chairman of the Committee of Claims reported, That the Committee had settled and allowed several Claims, which he laid before this House

Ordered, That the same be read.

Read the same, and after several Allowances added therein by this House, Resolved That the House assent thereto, and that the said Report and a Message therewith be sent to the Council for their Concurrence to the said Report.

Received from the Council the following Bills viz.

The Bill for licensing Traders, Pedlars, and petty Chapmen &c Endorsed in the Upper House, read the first time and passed

The Bill for appointing a Treasurer for the Counties of Currituck, Pasquotank, Pequimons Chowan &c

The Bill for facilitating the Navigation of Port Bath Port Roanoke and Port Beaufort.

The Bill, to explain and amend the Road Act &c

Endorsed, In the Upper House read the first time and passed.

Ordered, That the last abovesaid three Bills be Engrossed

Ordered, That the Bill, for appointing and laying out a town at Blackman's Landing, be read a Second Time Read the said Bill a second time, and passed with Amendments

Ordered, That the same be sent to the Council

Sent the same to the Council, by Mr. Dawson and Mr. Eaton

Sent the Reports of the Committee of Claims to the Council for their Concurrence, and also the following Message viz

GENTLEMEN OF HIS MAJESTY'S HONOURABLE COUNCIL

We herewith send you the Report of the Committee of Claims, with several Allowances made by this House added therein by this House, and desire your Concurrence therein

By order S. SWANN Speaker

The House adjourned till Monday Morning nine o'clock

Monday April 13, 1752. The House met according to Adjournment

Mr. Eaton Chairman of the Committee of Accompts reported, that they had settled the Accompts of several of the Accomptants to this Province, which he produced to the House.

Ordered the same be read.

Read the same, and made several Alterations therein

Ordered, that the same be sent to the Council for their Concurrence

Mr. Ormond moved, That the Bill for licensing Traders Pedlars &c be read a second time. Read the said Bill the second time and amended the same

Ordered, That the same pass and be sent to the Council.

Mr. Haywood moved, That the Bill, for appointing and laying out a town at Blackman's Landing &c be read the third time.

Ordered, That the said Bill be read the third time.

Read the said Bill the third time.

Ordered that the same pass and be sent to the Council.

Sent the above two Bills to the Council by Mr. Ash and Mr. Bell.

Mr. James Davis, Printer appeared pursuant to a Warrant, issued by Mr. Speaker agreeable to the Resolve of this House on Friday last and presented the following Petition viz.

To the Worshipful Mr. Speaker, and Gentlemen of the House of Burgesses.

The Humble Petition of James Davis Printer Sheweth

That in Obedience to a Warrant Issued by the Speaker of the House to take him your Petitioner, into Custody to appear before this House, to answer for his several Neglects and Omissions, in not sending the several Laws to the several Counties in this Province, he now attends in Custody and for Answer to the said Allegations against him says, That the Journals Speeches and Addresses of every Session of Assembly, since he has been employed by the Province, has been regularly printed and delivered out by himself to the Members at the next succeeding session.

That the Laws at each Session has been printed with all Convenient Speed and sent by him to the several Counties, tho' not by any express Messenger, therefore he can't pretend to say they have received them.

That your Petitioner has always printed a larger number of Laws than would Supply the several Counties for Fear of Miscarriages, and has always, upon Notice from any County of their not receiving them, sent them a second and sometimes a third time.

That your Petitioner would be very glad to know the sense of this House whether he must send a special Messenger throughout this Province with the Laws; that if he must it will make a Considerable Reduction in his Salary so much, that it will scarce be worth his while to keep a Press, especially as his whole Salary is not much above half what every other Public Printer in America has, and the Public Business of this Province not much inferior to other Governments, and very much increases

That your Petitioner is heartily sorry the Laws for so many Counties have miscarried especially as some of them were of Consequence, and humbly hopes this House will not construe this Neglect in so severe a Light as is in their Power as he will for the future take such measures as shall be effectual in the Transmission of the Laws to the several Counties; he therefore prays to be discharged out of Custody with such censure as the House shall please to inflict upon him; and your Petitioner as in Duty bound, shall ever pray.

The House proceeded to consider the Subject Matter of the said Petition, and after several Debates thereon, the House resolved, That the said James Davis be reprimanded by Mr. Speaker, for the Neglect of his Duty in his Office and then be discharged, paying the Fees.

Mr. Speaker reprimanded Mr. Davis and directed him not to omit sending the Laws and Copies of the Journals of the General Assembly to the Members thereof, and Justices of the several Counties &c as by Law he ought to do.

Ordered, That he be discharged, paying the Fees.

Mr. Ash moved, That the Bill to amend an Act, for regulating the Pilotage at Cape Fear, &c be read the third time.

Ordered, that the said Bill be read a third time. Read the said Bill the third time

Ordered, that the same pass, and be sent to the Council

Sent the same to the Council, by Mr. Ash and Mr. Bell.

The House adjourn'd till Four o'clock Afternoon.

P. M. The House met according to Adjournment.

Received from the Council the following Bills viz.

The Bill, for appointing and laying out a Town at Blackman's Landing &c

And, the Bill, to amend an Act, for regulating the Pilotage at Cape Fear &c

Endorsed, In the Upper-House, read the third time, and passed.

Ordered, that the said Bills be Engrossed.

Ordered, that the following Message be sent to the Council, viz.

GENTLEMEN OF HIS MAJESTY'S HONOURABLE COUNCIL,

We here with send you the Reports of the Committee of public Accompts, which this House have amended, and desire your Honours Concurrence therein. By Order S SWANN Speaker.

Mr. John Starkey acquainted this House, that Mr. John Carruthers, late Member for Newbern, is dead, and moved, that his Excellency the Governor be addressed to direct the Clerk of the Crown to issue a Writ to elect one other Person to serve in this Present General Assembly, in the Room of the deceased.

Ordered, that the following Message be sent to his Excellency the Governor, viz

May it Please your Excellency

This House being informed, that Mr. John Carruthers, late member for Newberne, is dead; therefore desire your Excellency would be pleased to order the Clerk of the Crown to issue a Writ to elect a Member to sit and vote in this present General Assembly, in the Room of the said Mr. John Carruthers, deceased.

By order, S. SWANN, Speaker.

Mr. Starkey acquainted this House, that the Sum of 60^{l} 17^{s} Proclamation Money, is in his Hands, which was received for Powder Money, and unapplied.

Resolved, That the said Mr. Starkey out of the said Money pay the Officers of both Houses, and the Expences of the Committees of this Session, and that the Remainder together with what Powder Money he may receive from the former Receivers of the Powder Money arising in Port Bath and Port Beaufort, be applied towards discharging the Claims allowed by former Assemblies.

Ordered, That the following Message be sent to the Council viz

Gentlemen of his Majesty's Honourable Council.

The Treasurer of the Southern District hath informed this House, that he hath in his Hands Sixty Pounds Seventeen Shillings Proclamation money, which was received for Powder Money and remains unapplied; therefore have resolved, that the said Treasurer, out of the said Sixty Pounds Seventeen Shillings, pay the expenses of the Committees, and the Officers of both Houses; and that the Remainder together with what Powder Money he may receive from the former Receivers of said Money, of Port Bath and Port Beaufort, be applied towards discharging the claims allowed by former Assemblies, and desire your Honours Concurrence thereto.

Sent the above Message by Mr. Harris and Mr. Howell.

Received from the Council the Bill for licensing Traders Pedlars &c Endorsed in the Upper House, read the second Time with Amendments.

The House adjourn'd til tomorrow Morning Nine o'clock.

Tuesday, April 14, 1752 The House met according to Adjournment..

The House adjourned for an Hour.

The House met according to Adjournment

Ordered, That the Bill, for licensing Traders, Pedlars, &c be read the third time

Read the said Bill the third time, and amended the same.

Received the following Message from the Council, viz

MR. SPEAKER, AND GENTLEMEN,

This House has taken into Consideration a claim of Seven Pounds Seventeen Shillings, Proclamation Money allowed by the Committee of Claims in September 1749 to the Honourable James Murray, Esq; a Member of this House, for travelling to Edenton, in Order to attend at a Session of Assembly there held in November 1743, which Claim was disallowed by your House, by Reason Mr. Murray did not appear until the Assembly was prorogued but he having produced to this Board a proper Certificate of his having been in a bad State of Health at that time, and as he appeared on the very day the Assembly was prorogued, and was never absent from any other Assembly when he was in this Province; we are of opinion that the said claim ought to be allowed, to which we desire your Concurrence.

Mr. Sinclare moved, that the Bill, for licensing Traders, Pedlars, &c lie on the Table for Consideration, and was seconded by Mr. Barrow; the said Motion being objected to by Mr. Ash, and moved, that the said Bill pass, and was seconded by Mr. De Rosset; upon which the Question was put, Whether the said Bill lie for Consideration or pass? And after several Debates thereon, Resolved, that the said Bill pass, and ordered to be sent to the Council.

Sent the said Bill to the Council, by Mr. De Rosset and Mr. Houston.

The House adjourned til four o'clock Afternoon

P. M. The House met according to Adjournment

Received from the Council the Bill, for licensing Traders, Pedlars &c. Endorsed in the Upper House, read the third time and passed.

Ordered the same be engrossed.

Ordered, That the following Message be sent to the Council viz.

GENTLEMEN OF HIS MAJESTY'S HONOURABLE COUNCIL,

We are sorry we can't concur with your Message of this Morning, relating to the Claim which was allowed by a former Committee to the honourable James Murray Esq; and then not approved of, but disallowed by this House on their examining the said Report, as we don't find any Precedent of a Member of either House having been allowed any Claim in the like Case. and have no Reason to apprehend we ought to make a Precedent in this of the honourable James Murray Esq; especially as the Claim hath been already disallowed by this House, on

their examining the aforesaid Report, and with which Report, after the said Claim was marked (disallowed) by this House, your Honours concurred.

Sent by Mr. Brice and Mr. Calf.

The House adjourn'd 'til tomorrow Morning Seven O'clock.

Wednesday, April 15, 1752. The House met according to Adjournment.

Received from the Council the Message of this House, of Monday last, regarding the Appropriation of the Sixty Pounds Seventeen Shillings in the Hands of Treasurer of the Southern District Endorsed, In the Upper House concurred with, so far only as concerns the Payment of the Expenses of the Committee and Officers of both Houses.

His Excellency the Governor sent a Message to this House, commanding their immediate Attendance in the Council Chamber with what Bills were engrossed.

The House in a full Body wai on his Excellency the Governor in the Council Chamber, when Mr. peaker presented the following engrossed Bills, viz

The Bill, for licensing Trader: edlars, and petty Chapmen

The Bill for facilitating the Navigation of Port Bath Port Roanoke, and Port Beaufort.

The Bill, to amend and extend an Act to appoint Inspectors,

The Bill, for appointing a Treasurer for the Counties of Currituck Pasquotank &c

And the Bill to explain and amend the Road Act, &c

The Bill, for dividing Johnston, Granville, and Bladen Counties

The Bill, for appointing and laying out a town at Blackman's Landing.

The Bill, to encourage Caleb Grainger to build a Bridge over Smiths Creek, in New Hanover County

The Bill, to amend an Act, for regulating the Pilotage of Cape Fear &c

To which nine Bills his Excellency was pleased to assent; then prorogued this Assembly until the second Tuesday in October next, to be then held at Newbern.

Mr. Speaker with the House returned, and pronounced the Prorogation accordingly.

